

erty destroyed and with the value of real estate reduced to a minimum, in three years of misrule a mountain of debt had been piled upon the State. At its close, with exhausted resources, an empty treasury was on one hand and a bankrupt public credit was upon the other. In matters social and political old things had passed away, and the legislation to be enacted must be adjusted to new conditions in their unparalleled incongruities and ever-increasing antagonisms. To restore the lost credit of the State, to rebuild anew a social fabric upon the wreck and ruins of a former civilization, to reopen the educational institutions, and set again in motion the industries which war had stricken down, to insure the supremacy and control of the virtue, the intelligence, the integrity, and the property interests of the State, and to frame and to guard and protect all against the license of the ignorant and the vicious which under evil influences threatened on every hand—this was the task, the magnitude and perplexing difficulty of which can at this distance be scarcely imagined.

But in the eight or ten years which followed this apparently impossible task was accomplished, and upon those desolate ruins there has arisen a new civilization which is not inferior to that which preceded it, and there has been builded a new prosperity and a new wealth greater than those of the former day. In this invaluable work of constructive statesmanship in a field of legislation for which there were no precedents upon which to model the work LESTER was one of the master workmen, earnest, zealous, patient, determined, fertile in resource, unwearied in effort.

Mr. President, it is a matter of personal pride to me that I was with him in that great work, a lesser coworker, he a senator and I a representative; and during a large part of the time we were contemporaneously the presiding officers of our respective houses. During all those years I lived in the same house with him. I learned then not only in still larger measure his personal worth, but the value and extent of his labors in that crucial time, the results of which in the lengthening years should be to him a perpetual monument.

From that field of labor each of us was within a few years transferred to the National Congress, and here again, during more than eleven years, have been continued and strengthened the ties of friendship which have thus bound us in closest union. Mr. President, while mine has been a friendship among the longest in duration, a man so loved, as he was, by all who were in close association with him can not be claimed in a friendship stronger than that given by him to many others, for he was one of those sweet and sympathetic and gentle characters, kindly, tender, considerate, generous, loyal, whose lives are made beautiful in the love of friends and happy beyond the power of tongue to tell in the sweet devotion of those who stand with them behind the sacred veil of domestic life.

Mr. President, I have known so well and so long RUFUS E. LESTER, I have esteemed and loved him so sincerely, that were I to say now all that I wish I would exceed the limits properly set for this occasion. As friend, father, husband, citizen, legislator, soldier, his life is a theme upon which I would dwell and upon which I am reluctant to speak the final word. Through the streets of his loved and beautiful Savannah, filled with the mourning thousands of all classes who viewed the solemn cortege, I followed him to the sacred groves of Bonaventure. There I saw him laid to his final rest. And, fitting close to the career of a gallant soldier was it, as beneath the bending boughs and the drooping moss, amid weeping loved ones and sympathizing friends, while tender hands covered his grave with beautiful flowers, glorified with the rays of the sinking sun, the remnant of the vanishing band of those who with him wore the gray, drooped over his earthly bed the tattered banner and with bugle call echoing through the great aisles of the giant oaks sounded their intrepid comrade to his last martial sleep.

Until the joyful reveille of the final morn shall awaken him, God rest him!

Mr. BURROWS. Mr. President, I offer the resolution which I send to the desk.

The VICE-PRESIDENT. The Senator from Michigan offers a resolution, which will be read.

The Secretary read the resolution, as follows:

*Resolved*, That as a further mark of respect to the memory of Mr. ALGER, Mr. HITT, Mr. HOAR, and Mr. LESTER the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Michigan.

The resolution was unanimously agreed to, and (at 7 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, February 25, 1907, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 23, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Vice-President had appointed Mr. DILLINGHAM, Mr. LODGE, and Mr. McLAURIN members of the commission on the part of the Senate to make full inquiry, examination, and investigation into the subject of immigration, as provided for in section 39 of the act "to regulate the immigration of aliens into the United States," approved February 20, 1907.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8451. An act ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 223. Joint resolution relating to the holders of medals of honor;

H. R. 25475. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906; and

H. R. 5169. An act for the relief of W. B. Sutter.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24925) making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24537. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes.

### CONFERENCE REPORT, LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I call up the conference report on the bill H. R. 21574, the legislative, executive, and judicial appropriation bill. It is a complete agreement, and I move the adoption of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the legislative appropriation bill and asks that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 23, 24, 25, 27, 28, 29, 41, 47, 50, 56, 57, 69, 70, 84, 90, 94, 100, 101, 104, 105, 106, 107, 115, 117, 118, 119, 137, 138, 139, 140, 141, 149, 150, 155, 156, 158, 159, 161, 162, 163, 164, 165, 166, 173, 174, 175, 176, 177, 183, 184, 186, 192, 193, 194, 195, 196, 197, 199, and 202.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 45, 46, 49, 51, 53, 54, 55, 58, 59, 60, 62, 64, 65, 66, 67, 68, 71, 72, 76, 77, 78, 79, 80, 81, 82, 86, 87, 88, 89, 91, 92, 93, 96, 97, 98, 99, 102, 103, 108, 110, 111, 112, 113, 114, 116, 121, 122, 123, 124, 125, 126, 127, 128, 129, 133, 134, 135, 136, 142, 143, 144, 145, 146, 147, 148, 151, 152, 157, 160, 168, 169, 170, 171, 172, 178, 179, 180, 181, 182, 185, 187, 198, 200, 201, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, and 223, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

On page 1 of the bill, in line 10, strike out the words "four hundred and fifty" and insert in lieu thereof the words "six hundred and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "two million nine hundred and seventy-four thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$24,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out by said amendment insert the following:

"Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with a plan to be previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For one assistant, one thousand eight hundred dollars; one assistant, one thousand two hundred dollars; one assistant, nine hundred dollars; two assistants, at seven hundred and twenty dollars each; and five hundred dollars as additional compensation to the law librarian; in all, five thousand eight hundred and forty dollars; and authority is hereby given to pay the persons appointed under the act of June 13, 1906."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$234,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$23,780;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "compositor and pressman, \$1,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$433,480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$72,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: After the word "governor," in line 2 of said amendment, insert the following words: "while absent from Juneau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$142,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the words "one messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number proposed insert "11;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$164,506;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$357,890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: Strike out the word "four," inserted by said amendment, and insert in lieu thereof the word "six;" and on page 108 of the bill, in line 16, after the word "Engineer," insert the words "and electrician;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$969,150;" and on page 118 of the bill, in line 18, after the word "each," insert the following: "; and for the following to be employed exclusively in connection with the model exhibit, namely, one machinist, one thousand six hundred dollars; one assistant, nine hundred dollars; one assistant, seven hundred and twenty dollars, and two charwomen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$232,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,190;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$706,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: On page 150 of the bill, in line 14, strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said Senate amendment amended by adding at the end thereof the words "; and section 765 of the Revised Statutes and section 3 of the act of June 20, 1874, shall not be applied to this provision;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows:

Omit the word proposed to be inserted by said amendment, and on page 160 of the bill, in line 24, before the word "for," insert the words "otherwise than temporarily;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows:

In lieu of the number proposed insert "5;" and insert the



words "Sec. 4" before the matter substituted for the amendment of the Senate numbered 222; and the Senate agree to the same.

S. M. CULLOM,  
F. E. WARREN,  
*Managers on the part of the Senate.*  
LUCIUS N. LITTAUER,  
L. F. LIVINGSTON,  
*Managers on the part of the House.*

The statement was read, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on each of the amendments of the Senate, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, all of which relate to the Senate: Increases the amount for compensation of Senators to the amount required for the fiscal year 1908, and provides for employees of that body at the rates of compensation proposed in said amendments, and also for the amount for contingent expenses of the Senate.

On amendments numbered 13, 14, and 15, relating to the Capitol police: Appropriates for the number of officers and privates of the Capitol police and at the rate of compensation as proposed by the House.

On amendments numbered 16, 17, 18, 19, 20, and 21, all of which relate to the House of Representatives: Increases the amount for compensation of Members of the House of Representatives to the amount required for the fiscal year 1908, provides for a clerk to the Committee on Irrigation of Arid Lands, at \$2,000 per annum, and for a stenographer and typewriter, at \$720, in the office of the Sergeant-at-Arms, instead of a page at the same rate of compensation.

On amendments numbered 22, 23, 24, 25, 26, 27, 28, and 29, all of which relate to the Government Printing Office: Fixes the compensation of the Public Printer at \$5,500, instead of \$6,000, as proposed by the House, and \$5,000, as proposed by the Senate, and leaves the compensation of other persons employed in the Government Printing Office at the rates proposed by the House.

On amendments numbered 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, all of which relate to the Library of Congress: Fixes the compensation of the assistants in charge of binding, documents, maps and charts, prints, and Smithsonian deposit, at \$1,400 each.

On amendment numbered 40: Restores to the bill the provision proposed by the House for the indexes, digests, and compilations of law under the Library of Congress, with authority to pay the persons engaged on said work during the current fiscal year.

On amendment numbered 41: Appropriates for the salary of the Vice-President at \$12,000, as proposed by the House.

On amendments numbered 42, 43, 44, 45, and 46, all of which relate to the Civil Service Commission: Appropriates for the salaries of the three Commissioners at \$4,000 each, as proposed by the Senate, instead of \$3,500, as proposed by the House; and for an examiner, at \$2,400, as proposed by the Senate, instead of \$2,200, as proposed by the House.

On amendments numbered 47, 48, 49, 50, 51, 52, 53, 54, and 55, all of which relate to the Department of State: Appropriates for the salary of the Secretary, at \$12,000, as proposed by the House; appropriates for two chiefs of bureau, at \$2,250 each, and six chiefs of bureau, at \$2,100 each; reduces the salary of the clerk to the Secretary from \$2,250 to \$2,100; inserts the appropriation of \$2,000 proposed by the Senate for emergency clerical services; appropriates \$2,000, as proposed by the Senate, instead of \$1,500, as proposed by the House, for books, etc., for the library; and authorizes the rent of a building in the District of Columbia for the use of the Department of State without stipulating the particular one to be obtained.

On amendments numbered 56 and 57: Appropriates for the salary of the Secretary of the Treasury at \$12,000, as proposed by the House.

On amendments numbered 58 and 59: Increases the salary of the chief of division of appointments in the Treasury from \$2,750 to \$3,000, as proposed by the Senate.

On amendments numbered 60, 61, 62, and 63: Makes a verbal correction in the text of the bill, and provides for an assistant messenger, at \$720, instead of a laborer, at \$600, in the division of Revenue-Cutter Service, Treasury.

On amendments numbered 64 and 65: Provides for an additional clerk, at \$1,600, as proposed by the Senate, in the division of printing and stationery, Treasury.

On amendment numbered 66: Authorizes the use of \$300,000, as proposed by the Senate, instead of \$250,000, as proposed by the House, of the appropriations for public buildings for the employment of services in the office of the Supervising Architect during the fiscal year 1908.

On amendments numbered 67 and 68: Omits one clerk, at \$1,600, as proposed by the Senate, from the office of the Auditor for the War Department.

On amendments numbered 69 and 70: Appropriates for operatives, as proposed by the House, instead of skilled laborers, as proposed by the Senate, in the office of the Auditor for the Post-Office Department.

On amendments numbered 71, 72, 73, 74, and 75, relating to the office of the Treasurer: Provides for an additional assistant chief of division, at \$2,250, instead of a clerk, at \$1,800; increases the compensation of one compositor and pressman from \$1,400 to \$1,600 and of one machinist from \$900 to \$1,000.

On amendments numbered 76, 77, 78, 79, 80, and 81, relating to the office of the Comptroller of the Currency: Increases the salary of one chief of division from \$2,200 to \$2,500 and of six counters from \$660 to \$700 each, as proposed by the Senate.

On amendments numbered 82, 83, 84, and 85: Makes a verbal correction in the text of the bill, and leaves the amounts for certain contingent expenses of the office of the Auditor for the Post-Office Department at sums fixed by the House.

On amendments numbered 86, 87, 88, 89, 90, 91, 92, 93, 94, and 95, relating to the office of the assistant treasurer at Chicago: Increases the salaries of the vault clerk, paying teller, cashier and redemption teller, and change teller from \$1,800 to \$2,000 each; of the receiving teller from \$1,700 to \$2,000; of one clerk from \$1,600 to \$1,800; of six clerks from \$1,200 to \$1,500, all as proposed by the Senate; and strikes out increase in salary of one assistant paying teller from \$1,500 to \$1,600, and of one stenographer from \$900 to \$1,000, proposed by the Senate.

On amendments numbered 96, 97, 98, and 99, relating to the office of the assistant treasurer at New York: Increases the salaries of two chiefs of division from \$2,700 to \$3,000 each, one chief of division from \$2,600 to \$2,700, and one engineer from \$820 to \$1,050, all as proposed by the Senate.

On amendments numbered 100 and 101: Strikes out provision for an additional clerk at \$1,000 in the mint at Carson, Nev., as proposed by the Senate.

On amendments numbered 102 and 103: Increases the salaries of the abstract clerk and warrant clerk in the mint at Denver Colo., from \$1,600 to \$1,800, as proposed by the Senate.

On amendments numbered 104 and 105: Fixes the compensation of an engraver in the mint at Philadelphia at \$4,000, as proposed by the House, instead of \$3,500, as proposed by the Senate.

On amendments numbered 106 and 107: Appropriates for the assistant assayer in the assay office at Charlotte, N. C., at \$1,250, as proposed by the House, instead of \$1,500, as proposed by the Senate.

On amendment numbered 108: Increases the amount for wages of workmen in the assay office at Seattle, Wash., from \$12,000 to \$14,000, as proposed by the Senate.

On amendments numbered 109, 110, 111, 112, 113, and 114: Appropriates \$500, as proposed by the Senate, for the traveling expenses of the governors of Alaska, Arizona, and New Mexico.

On amendments numbered 115, 116, 117, 118, 119, and 120, relating to the Office of the Secretary of War: Appropriates \$12,000 for the compensation of the Secretary, as proposed by the House; provides for a skilled laborer at \$900, instead of a carpenter at that salary, as proposed by the Senate; provides for seven instead of eight assistant messengers, as proposed by the Senate; for one assistant telephone switch-board operator, as proposed by the House, instead of an assistant messenger, as proposed by the Senate, at \$600; and for a telephone operator, as proposed by the House, instead of an assistant messenger, as proposed by the Senate, at \$480.

On amendments numbered 121 and 122: Provides for a chief clerk and solicitor, at \$2,250, as proposed by the Senate, instead of a chief clerk, at \$2,000, in the office of the Judge-Advocate of the Army.

On amendments numbered 123 and 124: Appropriates for a marine engineer, at \$3,500, as proposed by the Senate, instead of \$2,500, as proposed by the House.

On amendments numbered 125, 126, 127, 128, and 129, relating to the office of the Commissary-General: Provides for one additional clerk, at \$1,600, and one additional clerk, at \$1,400, and for a messenger, at \$840, instead of an assistant messenger, at \$720, as proposed by the Senate.

On amendments numbered 130, 131, and 132, relating to the office of the Surgeon-General: Provides for one additional messenger, at \$840, instead of one assistant messenger, at \$720.

On amendments numbered 133, 134, 135, and 136, relating to the office of the Paymaster-General: Provides for one additional clerk, at \$1,000, one additional clerk, at \$1,400, and one additional clerk, at \$1,200.

On amendments numbered 137 and 138: Provides for the landscape gardener in the office of the public buildings and grounds, at \$2,400, as proposed by the House.

On amendments numbered 139, 140, and 141, relating to the office of the Secretary of the Navy: Appropriates for the compensation of the Secretary, at \$12,000, as proposed by the House, and for a telegraph operator, at \$1,100, as proposed by the House, instead of \$1,200, as proposed by the Senate.

On amendments numbered 142, 143, 144, 145, and 146, relating to the Hydrographic Office: Provides for a computer, at \$1,400, as proposed by the Senate, instead of \$1,200, as proposed by the House; and for three engravers, at \$1,200, instead of one, at \$1,000, two, at \$900 each, and one, at \$800, as proposed by the Senate.

On amendments numbered 147 and 148: Appropriates specifically for the services of necessary employees at branch hydrographic offices, as proposed by the Senate.

On amendment numbered 149: Appropriates \$8,000, as proposed by the Senate, instead of \$7,500, as proposed by the House, for fuel and other miscellaneous expenses for the Naval Observatory.

On amendments numbered 150, 151, 152, 153, 154, and 155, relating to the office of the Secretary of the Interior: Appropriates \$12,000 for the compensation of the Secretary, as proposed by the House; provides for an additional clerk, at \$1,400, instead of one, at \$1,200, as proposed by the Senate, and for an engineer and electrician for the old post-office building, at \$1,000, instead of an engineer, at \$1,400.

On amendment numbered 156: Makes the appropriation for per diem in lieu of subsistence of inspectors of the General Land Office available also for clerks detailed from the General Land Office on work as inspectors, as proposed by the House.

On amendments numbered 157, 158, and 159: Makes a correction in punctuation in the text of the bill, and increases the salary of the private secretary to the Commissioner of Pensions from \$2,000 to \$2,500, as proposed by the Senate.

On amendments numbered 160, 161, 162, 163, 164, 165, 166, and 167, relating to the Patent Office: Strikes out the additional compensation of \$250, proposed by the House, as additional compensation to the chief of division in charge of the Official Gazette and leaves the number and designation of employees in the Office as proposed by the House, except that provision is made for a machinist, at \$1,000; one assistant, at \$900; one assistant, at \$720, and two charwomen, at \$240 each, to be employed exclusively in connection with the model exhibit.

On amendment numbered 168: Appropriates \$4,000, as proposed by the Senate, instead of \$2,500, as proposed by the House, for collecting statistics for reports and circulars of information by the Bureau of Education.

On amendments numbered 169 and 170: Appropriates \$19,500, as proposed by the Senate, for rent of building for the Patent Office model exhibit.

On amendments numbered 171 and 172: Appropriates \$10,000, as proposed by the Senate, instead of \$9,000, as proposed by the House, for clerks in the office of the surveyor-general of Utah.

On amendments numbered 173, 174, 175, 176, and 177, relating to the office of the Postmaster-General: Appropriates \$12,000 for the compensation of the Postmaster-General, as proposed by the House, and strikes out the provisions proposed by the Senate increasing the salary of the captain of the watch \$200; one lieutenant of the watch, \$120, and for two additional watchmen, at \$720 each.

On amendments numbered 178, 179, 180, and 181, relating to the office of the Fourth Assistant Postmaster-General: Provides, as proposed by the Senate, for two clerks, at \$1,800 each, and two clerks, at \$1,400 each, instead of four clerks, at \$900 each.

On amendment numbered 182: Strikes out the appropriation of \$12,800, as proposed by the House, for rent of buildings for the storage of post-office supplies and for the rural delivery service.

On amendment numbered 183: Appropriates \$23,500, as proposed by the House, instead of \$25,000, as proposed by the Senate, for preparation and publication of post-route maps.

On amendments numbered 184, 185, 186, 187, and 188, relating to the office of the Attorney-General: Appropriates \$12,000, as proposed by the House, for the compensation of the Attorney-General; increases the salary of the attorney in charge of pardons from \$2,400 to \$2,750, as proposed by the Senate; strikes

out the increase, proposed by the Senate, of the salary of the librarian from \$1,600 to \$2,000, and provides for one additional charwoman, at \$240, as proposed by the Senate.

On amendments numbered 189, 190, and 191, relating to the office of the Solicitor of the Department of Commerce and Labor: Appropriates for a clerk, at \$1,400, additional, instead of one clerk, at \$1,200.

On amendments numbered 192, 193, 194, 195, and 196, relating to the office of the Secretary of Commerce and Labor: Appropriates \$12,000, as proposed by the House, for compensation of the Secretary; appropriates for the salary of the disbursing clerk \$2,750, as proposed by the House, instead of \$2,500, as proposed by the Senate; strikes out the increase proposed by the Senate of the salary of one chief of division from \$2,000 to \$2,250, and provides for a captain of the watch, at \$1,200, as proposed by the House, instead of \$1,000, as proposed by the Senate.

On amendments numbered 197, 198, and 199: Appropriates \$50,000, as proposed by the Senate, instead of \$30,000, as proposed by the House, to investigate trade conditions abroad under the Department of Commerce and Labor.

On amendments numbered 200, 201, 202, and 203, relating to the Census Office: Increases, as proposed by the Senate, the salaries of four chief statisticians from \$2,500 to \$3,000 each, and the salary of the chief clerk from \$2,500 to \$3,000, and strikes out the provision proposed by the Senate for an additional skilled laborer, at \$1,000.

On amendment numbered 204: Appropriates \$525,000, as proposed by the Senate, instead of \$400,000, as proposed by the House, for securing information for census reports under the Census Office.

On amendments numbered 205 and 206: Increases the salary of the Supervising Inspector-General of the Steamboat-Inspection Service from \$3,500 to \$4,000, as proposed by the Senate.

On amendments numbered 207, 208, and 209, relating to the Bureau of Navigation in the Department of Commerce and Labor: Provides for a deputy commissioner, at \$2,400, instead of a clerk, at \$1,800, with additional compensation of \$600 for acting as deputy, and provides for a chief clerk, at \$2,000, as proposed by the Senate.

On amendments numbered 210, 211, 212, 213, and 214, relating to the Bureau of Immigration and Naturalization: Provides for the additional clerical force proposed by the Senate in the Bureau of Immigration and Naturalization.

On amendment numbered 215: Makes immediately available the appropriation for an express wagon for the Bureau of Standards.

On amendments numbered 216, 217, 218, and 219, relating to the court of appeals of the District of Columbia: Increases, as proposed by the Senate, the salary of the clerk from \$3,000 to \$3,250, the deputy clerk from \$2,000 to \$2,250, and the crier from \$900 to \$1,000.

On amendment numbered 220: Appropriates \$500 for the custodian of the building occupied by the Court of Claims, as proposed by the House.

On amendment numbered 221: Modifies section 3 of the bill so as to read as follows:

"SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of Departments shall cause this provision to be enforced."

On amendments numbered 223 and 224: Omits section 5 of the bill, the same having been embraced in the amendment of the House, which was agreed to by the Senate, to amendment numbered 222.

On amendment numbered 224: Corrects the numbering of sections in the bill.

The bill, as finally agreed upon, appropriates \$32,094,013.80, being \$1,246,480 more than as it passed the Senate, \$1,463,630 more than as it passed the House, \$878,488 more than the estimates submitted, and \$2,412,094.50 more than the appropriations for the current fiscal year.

L. N. LITTAUER.

L. F. LIVINGSTON,

*Managers on the part of the House.*

Mr. LITTAUER. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The gentleman from New York moves that the House agree to the report.

Mr. CRUMPACKER. Mr. Speaker, this conference report includes the arrangement between the two Houses upon the Congressional salary proposition. There has been some difference of opinion among Members respecting the effect of the salary



legislation upon the question of mileage; whether the provision in regard to salary abrogated the provision of the statute authorizing the payment of mileage to Members of Congress. I would like to ask the gentleman from New York if he will explain the attitude of the committee on that question or the significance of that change on the salary statute as bearing on the mileage question?

Mr. LITTAUER. The committee on conference had simply the disagreements between the two Houses before it for consideration. The appropriation for mileage had already been adopted by the House and Senate prior to the subsequent action in reference to salary of Members; consequently the subject of mileage was not in conference, and the bill as now reported carries the usual appropriation for mileage as it passed the House and Senate. I would state to the gentleman from Indiana that the Committee on Appropriations has in the consideration of the deficiency bill, now being prepared, considered the matter of adopting some provision to recommend to Congress for future action in connection with the matter of mileage, but as the matter at present stands the appropriation is made in the legislative bill for the usual mileage allowance.

Mr. CRUMPACKER. I asked this question purely for information. I believe the present statutory allowance for mileage is too large in view of the action of Congress in increasing the pay of Members. I think it ought to be reduced in amount to cover actual traveling expenses for one round trip for each session of Congress, and I am glad to learn that the Committee on Appropriations contemplates reporting a provision on the subject.

Mr. LITTAUER. A general expression has been made by Members of the House that action ought to be taken on the question of mileage in view of the increase in salary, which increase was based upon the merits of the matter and not simply upon a desire on the part of Members of Congress to increase unduly their salaries. Many Members have declared that a provision for mileage covering only the actual expenses of each Member to and from each session of Congress should be made, and that subject is now being considered in connection with the deficiency bill which will be reported next week.

Mr. CRUMPACKER. I always regarded the original provision as part of the compensation of Members of Congress.

Mr. LITTAUER. It is so stated in the law.

Mr. CRUMPACKER. And the amount of salary fixed in the existing statute is perhaps not inequitable and out of the way; but in view of the increase of salary, I hope the Committee on Appropriations in connection with the general deficiency bill may report something more equitable. The mileage ought to be reduced to cover reasonable expenses of travel.

Mr. LITTAUER. And the committee is very glad of the suggestion.

Mr. LIVINGSTON. May I suggest to the gentleman from Indiana [Mr. CRUMPACKER] that when the deficiency bill comes in in a few days he will have ample opportunity to express himself on that proposition?

Mr. PAYNE. I would like to ask my colleague [Mr. LITTAUER] if the conferees of the Senate and the House did not agree that it was not within their jurisdiction?

Mr. LITTAUER. It was not within their jurisdiction.

Mr. GAINES of Tennessee. Can not the committee reporting the deficiency bill or the bill the gentleman just alluded to fix in that bill the compensation for mileage?

Mr. LITTAUER. It certainly can bring the matter before the House, but we realize fully that such a provision will be subject to a point of order.

Mr. GAINES of Tennessee. Whatever proposition they bring in some gentleman will object. I am opposed to this 20 per cent mileage proposition, first, because it is considered part of the salary. I have never so considered it. Second, the rate is too high, I think. We should fix this matter in clean-cut language.

Mr. LITTAUER. The law considers it as part of the compensation.

Mr. GAINES of Tennessee. There is grave doubt whether the law does or not. It should not now at any rate. Salary is one thing and mileage another, and we should say so. I hope the committee will bring in a measure and fix this mileage at actual transportation expenditures paid within certain limits, and I want to say now if they do not do something of that kind I do not propose to take anything out of the 20 per cent mileage allowed me except my actual expenses, excluding meals en route. I believe the law ought to be changed, and at once.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. LITTAUER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### SIXTEEN-HOUR BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits the following privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House Nos. 860 and 863, have had the same under consideration, and in lieu thereof report the following resolution, with the recommendation that it be agreed to:

"Resolved, That the bill (S. 5133) entitled 'An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon' be, and the same is hereby, taken up for consideration; that the amendment recommended by the Committee on Interstate and Foreign Commerce be, and hereby is, agreed to, with the following amendments thereto, to wit:

"1. In line 3, on page 4, and in line 6, on page 5, strike out the word 'knowingly.'

"2. Beginning with the word 'unless,' in line 13, on page 4, strike out the language to and including the word 'duty,' in line 17 of said page.

"3. In lines 13 and 14, on page 5, strike out the words 'under direction of the Attorney-General.'

"4. In line 14, on page 5, strike out the word 'duty' and insert the word 'satisfactory.'

"5. In line 3, on page 6, strike out the word 'ordinary' and insert the word 'reasonable.'

"6. In line 22 and in line 24, on page 4, strike out the word 'consecutive.'

"That the bill as amended be, and hereby is, passed; that a conference be, and hereby is, asked with the Senate, and that the Speaker be, and he hereby is, directed to appoint, without intervening motion or appeal, the managers of the conference on the part of the House.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania demands the previous question upon the resolution and amendments thereto.

Mr. WILLIAMS. We will have, of course, the usual time on the demand?

The SPEAKER. Twenty minutes on a side. The question is on the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. DALZELL. Mr. Speaker, it is hardly necessary that I should occupy very much of the time of the House in the discussion of this proposition. The bill referred to is what is popularly known as the "sixteen-hour bill"—a bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon. It is safe to say, I think, that there is a general consensus of opinion in favor of legislation along this line. Such legislation has been recommended in two or three reports by the Interstate Commerce Commission, and has been recommended in a message—at least one message and possibly more—of the President of the United States. In addition to that there is a general call for legislation in the interest of the traveling public and in the interest of employees, a due regard being had, of course, to the interest of the railroad managers who employ those servants.

Now, while it is safe to say that there is a general consensus of opinion in favor of this kind of legislation, it is true also that there is a great diversity of opinion as to what the details of the legislation should be. There are a great many practical questions involved in introducing a new system such as is provided for in this legislation. The Senate has expressed its views upon the subject and has sent to the House the bill S. 5153. The majority of the Committee on Interstate and Foreign Commerce have expressed their views upon the subject in an amendment to the Senate bill submitted to the House; and that was voted upon on Monday last under suspension of the rules. It did not secure the two-thirds vote, but did secure the support of a majority of the membership of the House.

Now, under those circumstances, it being granted that everybody wants some sort of legislation and that there is a diversity of opinion as to the methods to be adopted, the practical thing to do at this stage of the session is to agree upon such legislation as the majority desires and send it to conference, where a result may be worked out satisfactorily to all parties interested. The House is familiar with the amendment suggested by the Interstate and Foreign Commerce Committee to the Senate bill. I want to call attention now to some amendments to the House amendment that have been agreed upon and are embodied in this rule.

First, the word "knowingly" in section 2 and in section 3 of the bill has been stricken out. In section 2, line 3, on page 4 of the bill the word "knowingly" has been stricken out. Be-

ginning in line 13 and ending in line 17 on page 4 the following paragraph has been stricken out:

Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty.

It has been thought that this, instead of accomplishing the purpose intended to be accomplished by the bill, would result as a limitation on it. For that reason that clause was stricken out. In lines 22 and 24 on page 4 the word "consecutive" has been stricken out; so that the paragraph will read this way:

That no operator, train dispatcher, or other employee who, by the use of the telephone or telegraph dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, etc.

Now, it is perfectly apparent that the object sought to be accomplished by that paragraph was that no employees should be engaged for more than nine hours in a twenty-four-hour period. It is also perfectly apparent that if you leave the word "consecutive" in he may be employed for nine consecutive hours, unemployed for an hour or half an hour, and then employed for nine hours more in the same twenty-four hours. It will, therefore, be apparent that to strike out that word is in the interest of the legislation that is sought to be enacted.

I have already called attention to line 6, page 5, where the word "knowingly" is omitted. On the same page, lines 13 and 14, we strike out the words "under direction of the Attorney-General," so as to leave the matter of prosecution entirely in the hands of the various district attorneys. In line 14 on page 5, at the end of the line, the word "satisfactory" has been substituted for "duly." It is a mere choice of terms.

The SPEAKER. The Chair calls attention to a clerical error in the identification of the bill. It is in the order 2553 and the number of the bill is 5133. Without objection, the Chair will cause the clerical error to be corrected.

There was no objection.

Mr. DALZELL. There is another change on page 6, in line 3; the word "ordinary" has been stricken out and the word "reasonable" inserted.

With these changes in the amendment of the Committee on Interstate and Foreign Commerce to the Senate bill it is believed that the objections that have heretofore been urged have been successfully met.

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I was glad to hear the gentleman from Pennsylvania justify the action of those of us who voted against the suspension of the rules and thus passing this bill the other day without giving the House any power of amendment. The manner in which he justified us was as broad as it could be, though not in express words. He showed how much the bill has been improved from its then condition, in order to reach its present condition; and that statement is of itself a justification of our conduct. Furthermore, Mr. Speaker, that conduct was applauded by the men who are chiefly concerned and interested in the pending legislation. I hold in my hand a telegram addressed to the gentleman from New York [Mr. RYAN], a member of the committee on the minority side, from A. P. Garrettson, president of the Order of Railway Conductors, saying that they objected to the bill as presented in the House the other day. I hold another telegram addressed to the same gentleman [Mr. RYAN] from W. S. Stone, grand chief of the Brotherhood of Locomotive Engineers to the same effect, and still another telegram addressed to the same gentleman [Mr. RYAN] from the head of the Brotherhood of Railway Trainmen to the same effect. I shall insert them as a part of my remarks.

So much for the past, Mr. Speaker; now, let us come to the present and see what the bill is as it now stands after the modifications in accord with the demand of the Democratic minority on the committee and in the House. Why, in the first part of the bill, as it was the other day, in line 3, page 4, and in line 6 of page 7, occurred the word "knowingly." So we were absolutely about to pass legislation requiring a corporation to permit things "knowingly" before it could be penalized. A corporation without ears, without eyes, without individuality, and as it is sometimes said, without soul, that could not do anything "knowingly" except through its authorized agents. If they have knowledge, that is the only sort of knowledge the corporation could have. We were about to pass a law requiring a corporation, in order to be visited with punishment, to commit an offense "knowingly." This bill as now reported and amended strikes out this word "knowingly," on pages 4 and 5, to which we called attention. Then, in lines 13 to 17, on page 4, the modification strikes out this language:

Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty, and during said

period of twenty-four hours following had at least six consecutive hours off duty.

This language constituted an extension of the period of employment, and it seemed to us that it was unjust, and that there was in it what is ordinarily called a "joker." We objected to that very seriously. The modification strikes that language out of the bill and leaves substantially the provisions of the La Follette bill as it left the Senate with regard to this subject-matter.

Then, Mr. Speaker, there occurred in the proviso as regards telegraphers the following language: "that they were not to be on duty for a longer period than nine consecutive hours in a period of twenty-four hours, nor for a longer period than thirteen consecutive hours," lapping over from one day to another.

We objected very naturally to the adjective "consecutive" there, because it would enable the railroad to work a man nine consecutive hours and then take him off two hours, or two minutes for that matter, and then work him nine more consecutive hours, and then take him off for two more minutes and work him for the balance of the twenty-four hours. The modification, as proposed by the Committee on Rules this morning, strikes out the word "consecutive," where it occurs, and cures that objection.

Then, Mr. Speaker, as the bill was presented to the House the other day, and as it would have become a law if two-thirds had voted for it, leaving no power of amendment in the House, no prosecutions could have been entered except under "direction of the Attorney-General," thereby initiating prosecutions at Washington, with results which all may well understand; first, of delay, and secondly, that for the most part the central office of the Department of Justice at Washington would not know what was going on and therefore would not initiate or "direct."

This bill as now modified strikes out the words in lines 13 and 14 on page 5, "under direction of the Attorney-General," and leaves the district attorneys of the United States to proceed to prosecute without waiting for orders from Washington. Then, Mr. Speaker, the word "duly" has been stricken out and "satisfactory" put in its place in line 14 on page 5, because the latter word was thought to be more liberal in the direction of the remedy desired.

Now, Mr. Speaker, this is not the best bill that the Democratic party could present to the country upon this subject. It is not as good a bill as the minority members of the Committee on Interstate and Foreign Commerce, who the other day signalized their devotion to the best interests of the country by leading this side of the House to the course that it took, could prepare, but it is the best bill we can get now, and it has been so nearly perfected in every respect that we do not feel that we can stand in the pathway of the proposed legislation so important in every way.

Mr. Speaker, the Democracy never performed a more signal service to the country; the Democratic members of the Interstate and Foreign Commerce Committee never performed a more signal service to the country than they did the other day when they refused to be stampeded by the cry that they were "opposing a sixteen-hour law," and defeated the suspension of the rules, so that the House might get what it now has—a better bill. [Applause on the Democratic side.]

And, I repeat, I am glad to hear the gentleman from Pennsylvania [Mr. DALZELL] justify our conduct by telling the House how much better this bill is than the one which the other side of this Chamber, guided by their leaders, tried on Monday last to cram down our throats without any power of amendment or of betterment. [Applause.]

The telegrams heretofore referred to are as follows:

CHICAGO, ILL., February 20, 1907.

W. H. RYAN,

Care House Representatives, Washington, D. C.:

Brotherhood of Railroad Trainmen opposed to House committee substitution La Follette hours of service bill. Railroad employees want reasonable legislation limiting their hours of continuous service, but this substitute will not give them relief desired.

P. H. MORRISSEY, Grand Master.

CHICAGO, ILL., February 20, 1907.

W. H. RYAN,

House of Representatives, Washington, D. C.:

Order of Railway Conductors opposed to House committee substitution La Follette hours of service bill. Railway employees desire reasonable legislation limiting their hours of continuous service, but this substitute will not give relief desired.

A. B. GARRETSON.

CLEVELAND, OHIO, February 20, 1907.

Hon. W. H. RYAN,

House of Representatives, Washington, D. C.:

I am informed that the House committee have offered substitute for the La Follette hours service bill, S. 5133. This organization is opposed to this substitution, and we sincerely trust you will do all you



can to prevent its passage and to have passed the La Follette bill (S. 5133) in the same form as it passed the Senate without any change whatsoever.

W. S. STONE,  
Grand Chief, Brotherhood of Locomotive Engineers.

Mr. WILLIAMS. Mr. Speaker, how much time have I consumed?

The SPEAKER. Seven minutes.

Mr. WILLIAMS. I now yield to the gentleman from Missouri [Mr. DE ARMOND] five minutes.

Mr. DE ARMOND. Mr. Speaker, this proceeding this morning furnishes us the lone example in all the history of your rule in this House, as I recollect it, of actual progress made in the proceedings of the Committee on Rules. The committee, after a great deal of travail and a great deal of hesitation and reluctance, has reported a rule which will tend to facilitate legislation upon this most important subject. A good many have been waiting quite a little while for the presentation of a rule of an entirely different character. How it came about that that rule was not presented, and how it happened that this rule, a modification of that in important particulars, is substituted, we do not know. Contrary to that very sacred thing known as "precedent" in this House, the Committee upon Rules has really concluded to submit to the House a rule that is tolerable. It is true that there is to be no amendment and no opportunity for it. Strange it is, too, that, with abundance of time for things that are not important, there is not enough time to permit the Members of this House, every one of them a sovereign Representative in his own right, to offer and to consider amendments and to vote and to act upon his own views on propositions submitted upon a question of very great and far-reaching importance.

But for the little that we have, where but very little is given and that given grudgingly, let us be thankful. There is at last opportunity given to the House and to the Congress and to the country to get some legislation that will accomplish something that is desirable. The word "knowingly," put in knowingly, no doubt, to render this measure, if it should pass, absolutely worthless and useless, is knowingly, with great reluctance and much deliberation, withdrawn. The word "consecutive," put in with full understanding and for the direct purpose of making this legislation useless, has been withdrawn, withdrawn most reluctantly, withdrawn after much comparison of notes and much consideration of possible consequences; but it is withdrawn, and the House now has the opportunity, under the form of a rule most drastic in its terms, expression, and purpose, to send to conference something upon which there may be rested a hope for good legislation.

Thanks to the timidity of the Committee on Rules; thanks to the powers and influences, whatever they may be, that have coerced that body of coercion into doing something contrary to its general course, something which may result in good to the public! May those persons who coerced the Committee on Rules, may those influences that have prevailed over it in this one instance for the right, be exerted again and again! May this be the dawning of the day when the Committee on Rules will cease to be autocratic, when it will share with the House of Representatives itself, with the 383 Members, leaving out of the count the powerful three who constitute the majority of the Committee on Rules, the power of the House! May the 383 henceforth have a chance to do something!

Let us welcome this as a harbinger of better times; let us hail this as a sign that, at least once after many years, upon one measure at least, for reasons satisfactory to it, this mighty Committee on Rules has hearkened to the voice of the public and has given the House of Representatives a little opportunity to do something justly important.

I do not wish, however, to grow too hopeful nor too optimistic; there is too much in the past, there are too many examples to the contrary, too much of evil in the spirit which governs the Committee on Rules to warrant the hope that this example will become contagious. But let us hope it will have some repetitions. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I congratulate the country and compliment the majority on the concessions in this resolution, made in the line of doing something toward favorable and valuable legislation to limit the working hours of train men. Our fight last Monday in opposition to the objectionable features in the Esch substitute the majority by proposing the pending rule has vindicated and justified formally and emphatically. We successfully resisted an attempt to pass the substitute under suspension of the rules, without allowing amendments to be offered. The pending resolution proposes all the amendments for which we contended.

While on principle I am usually opposed to rules to do right and proper things that could and should be done without a rule, the concessions proposed go so far to meet and remove the objections upon which we based our fight we could not now afford to oppose the substitute, with the amendments carried with it in this resolution. True there are other changes which we desired; but the concessions are so great and valuable that, while protesting against the rule, we shall with pleasure vote for the substitute which has been so beneficially amended, especially as there remains the possibility and hope of further improvement in conference. Mr. Speaker, I yield back the balance of my time. [Applause.]

Mr. WILLIAMS. How many minutes have I remaining?

The SPEAKER. The gentleman has five minutes remaining.

Mr. WILLIAMS. I yield three minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I very heartily concur in the amendments made by the Committee on Rules to this very important bill. I believe that if you take the Record of last Monday (the 18th of February), every concession made by the Committee on Rules you will see pointed out and objected to as defects in the substitute bill which the Republican party presented for the consideration and indorsement of the House. In the speech I made, published in the Record of Monday, I claimed and charged in plain words that the substitute offered by the Republicans was a "travesty" upon the relief the country demanded, and they have come forward and acknowledged, this morning by the "amendments" of the Rules Committee, this to be true. It was said more than once that the minority members of the Committee on Interstate and Foreign Commerce were "playing politics." If they were, Mr. Speaker and fellow-Democrats, they played it successfully. [Applause.] We stood for principle. We were and are anxious to establish sixteen hours as the limit for work of railroad employees. We were utterly unwilling to become sponsors for the bill of "pretenses" submitted by the majority, and we said so. We then contended, and did contend for three months, that the word "knowingly" in this bill applied to a corporation that had an artificial existence, and made it in effect an abortion and quite impossible for any conviction to take place under its provisions. I know the ingenious, tactful, and able men of the leading Republicans on the other side of this Hall were vociferous in declaring that the word "knowingly" applied to "common carrier, its officers or agents." If all this be true, why do they come penitently forward this morning and strike from the bill "knowingly" where it occurs?

The fact is the Republicans unconditionally admit that the objections we so earnestly urged against that substitute bill last Monday were well taken by yielding to every complaint we made save one, as I now recall it. I can call out but one other phase of this bill that after a careful deliberation of months I myself object to as still being in there, and I believe even that will bring trouble in the enforcement of the law. What is it? It is in keeping with the letter and the spirit of all the obstructions and hindrances first inserted in the bill. It simply says this: That in all prosecutions under this act the common carrier shall be deemed to have had knowledge of all of the acts of its "duly authorized agents." I contend, Mr. Speaker, that the words "duly authorized agents" are put in that bill for the purpose of throwing obstructions and obstacles in the way of convicting men who work their employees more than sixteen hours. Why put in the words "duly authorized?" Why not put it simply "the agent of the corporation," and that will embrace them all in their diversified employments. Is it not true that in a court proceeding the burden of proof will be on the Government seeking to recover, to prove under legal rules that the employee complaining was the common carrier's "duly authorized agent?" There is some mysterious influence that has fallen over the Republicans of the majority of the Interstate and Foreign Commerce Committee since all this discussion came up last Monday. What is it? I read from the President's last message, of December, 1906, and I am free to say, with a great deal of respect, that it is generally understood that he usually takes a hand in matters of this kind if the legislation does not suit him. What did he say in that message?

I call your attention to the need of passing the bill limiting the number of hours of employment of railroad employees. The measure is a very modest one, and I can conceive of no serious objection to it.

What measure was the President referring to when he said "the measure is a very modest one?" It was the Esch bill (H. R. 18671), introduced in the House April 26, 1906, and referred to the Interstate and Foreign Commerce Committee of this House and by that committee unanimously reported favorably.

I pointed out, Mr. Speaker, in my speech on Monday, the vital points of difference between the substitute bill and the Esch and La Follette bills. We contended, Mr. Speaker, that the Republicans were seeking to foist on the country a measure for relief the provisions of which made it impracticable to enforce its penalties. In other words, they were to lay all the responsibility of the defeat of the law on the courts. The Republicans having conceded our contentions, having admitted that it was Democratic opposition and Democratic courage that prevented them from perpetrating on the country their sham measure, it behooves the Democrats, all of whom so earnestly desire helpful and sane legislation on this important subject, to vote solidly for the bill as amended by the Committee on Rules. This day's work ought to inspire Democrats to stand united on questions of principle and subjects of legislation and go to the country, if necessary, on our convictions.

What, really, have the Republicans under these amendments conceded besides erasing the word "knowingly," which was the little joker in their political play, intended to take all the tricks. We objected to the word "consecutive" as used in the bill in connection with the limit of "sixteen hours." It simply meant that the word "consecutive," as used in the bill, legalized, in effect, the working of an employee more than sixteen hours by not letting him be on duty at any time for sixteen consecutive hours. That this word was so construed is clearly demonstrated by striking out the following paragraph from the bill by the Rules Committee, as follows:

*Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty.*

All of this vital and confusing paragraph is eliminated, and the provisions as left in the bill are practically the same as are in the La Follette bill.

Again we contended that the substitute of the majority provided such circumlocution, such a long roundabout way for an employee to get relief from a violation of the law by the common carrier, that it served as a prohibition. Hence the Rules Committee struck out this objectionable feature by eliminating these words "under the direction of the Attorney-General." It is idle to contend that the words "under the direction of the Attorney-General" means the same as "under the supervision of the Attorney-General." *Direction*, in legal and ordinary sense, means to tell the district attorney to proceed to file papers; that the Attorney-General has had the papers examined and you have a case or no case. Now, as the bill stands the district attorney can act as he does in all other matters, without first having to wait to be "directed" by the Attorney-General or the Department of Justice. The fact is, Mr. Speaker, the bill as presented by the majority last Monday, on motion to suspend the rules, appeared to me to hunt up all the difficulties, hindrances, and objections to enforcement which would have made the proceedings in court veritably a "moot court." These are the principal points the minority contended for and were yielded by the majority.

Mr. DALZELL. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. Esch].

Mr. ESCH. Mr. Speaker, the attitude of the railroad employees on this legislation is not by any means unanimous. The records of our committee indicate that quite a large number of employees engaged in train operation protest against any legislation whatever on the subject, and those that favor legislation on the subject are not at all agreed as to the terms of such legislation. As indicative of this, I wish to call the attention of the House to a letter which I received on January 14 from Mr. H. R. Fuller, the able and industrious legislative representative of the railroad brotherhoods, criticizing the Senate bill. That letter is as follows:

H. R. FULLER,  
216 NEW JERSEY AVENUE NW.,  
Washington, D. C., January 14, 1907.

Hon. J. J. Esch, M. C., Washington, D. C.

DEAR SIR: I am inclosing herewith a copy of Senate bill No. 5133, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," which passed the Senate on the 10th instant with only one dissenting vote, and which has been referred to the House Committee on Interstate and Foreign Commerce.

On behalf of the railroad employees who are seeking this legislation for the protection of their own lives and the lives of the traveling public, I most respectfully solicit your valuable support as a member of the committee in securing an early and favorable report upon this bill to the House, and would also submit for your consideration the following amendments, which we think are vitally important if the bill is to accomplish the object for which it is intended:

The words "carrying interstate or foreign freight or passengers" as they appear in lines 9 and 10, page 1, should be stricken out, as it will be readily seen that their retention in the bill would exempt

from its operation a large part of the traffic of an interstate railroad which is not either interstate or foreign freight or passengers; and in order to protect the lives of interstate passengers from the evil of excessive hours of service of employees it is just as necessary to prevent excessive hours of the employees on a train carrying intrastate commerce as it is to prevent excessive hours of the employees actually engaged upon the train upon which such interstate passengers are hauled, for the reason that trains are run indiscriminately without regard to the character of the commerce, and an overworked employee on an intrastate train is just as liable to cause a collision of his train with an interstate train as is an overworked employee on an interstate train liable to cause a collision of his train with another train. A railroad engaged in interstate commerce is an instrument of such commerce, and therefore Congress has the authority to say that it shall not work its employees excessive hours for the reason that it endangers the lives of interstate passengers. Congress has in several acts exercised this authority over such railroads. The national arbitration act, approved June 1, 1898, provides "That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees engaged in the transportation of passengers or property wholly by railroad or partly by railroad and partly by water for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or from any place in the United States to an adjacent foreign country or from any place in the United States through a foreign country to any other place in the United States."

The accident law of Congress, approved March 3, 1901, and which received the consideration of and was reported favorably from the House Committee on Interstate and Foreign Commerce during the first session of the Fifty-sixth Congress, reads:

"It shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, D. C., a monthly report, under oath, of all collisions of trains or where any train or part of a train accidentally leaves the track and of all accidents which may occur to its passengers or employees."

The safety-appliance law of March 2, 1903, which also received the favorable consideration of the House Committee on Interstate and Foreign Commerce during the Fifty-seventh Congress contains this language:

"And the provisions and requirements hereof and of said acts relating to train brakes, automatic couplers, grab irons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce."

House bill 18671 entitled "A bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon" contains this language:

"That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States."

The employers' liability law of Congress, approved June 11, 1906, provides:

"That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees for all damages which may result from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works."

The words "and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving" as they appear in line 13, page 1, and lines 1, 2, and 3, page 2, should be stricken out, for the reason that all unavoidable accidents are covered in the word "casualty," as it appears on page 1. Then, too, there is no more reason for exempting delays to trains with which a train connects than there is for exempting delays to the trains upon which such employee is actually engaged. While it is thought these words were put in for the purpose of covering passenger trains which make connections, yet they are so broad that they could be made to cover freight trains which waited at a terminal for freight trains of another road to arrive before they started on their trips.

The following words should be inserted after the word "dollars," in line 16, page 1:

"For each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred."

This would impose the same duty upon United States district attorneys as does the safety-appliance law above referred to. Indeed it is the exact language of that act as well as that of the House bill on this subject reported by your committee at the last session.

Respectfully submitted,

H. R. FULLER,  
Legislative Representative.

I want to call the attention of the House to the fact that the three grave defects of the Senate bill, called attention to by Mr. Fuller, are remedied in the House bill. Persuasion was used with Members of this House to support the Senate bill, notwithstanding it contained these grave defects. I was not one who had so little faith in the efficacy of a conference committee as to doubt that the conferees could improve the House amendment. I am gratified that the action of the Committee on Rules incorporated in the bill the ideas which I originally held and persistently contended for in committee, and I trust now that the bill as



amended will receive the practically unanimous vote of both sides of this Chamber; if so, there need be no fear about its receiving Executive sanction when it gets to the other end of Pennsylvania avenue. [Applause.]

Mr. DALZELL. Mr. Speaker, I yield seven minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the very estimable gentlemen who constitute the minority of the Committee on Interstate and Foreign Commerce seldom make mistakes when they devote themselves to business. When they devote themselves to the game of politics, however, they sometimes blunder, and have recently done that and have induced their colleagues, the minority of this Chamber, to follow them in that blunder. Mr. Speaker, I want it to be understood that on the other day, when this matter was briefly discussed, these gentlemen, while reprobating the action of the minority of the committee in making its report, pinned their adhesion and their allegiance to the La Follette bill—the Senate bill. That was the burden of their song. In that they were to find all of the remedies which would correct the troubles in regard to this matter from which the country suffers. I want briefly to show how those gentlemen proposed to deport themselves with regard to actual legislation on this great subject. That bill provided that the common carrier should not require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours. There is not a Member of this House who understands that language who will dare to vote for that bill and stop there—not a member of the minority of that committee who dare vote for that bill and stop there. What does that do? In the case of the train that brought disaster to so many homes in this vicinity a little while ago, although it was under the management of an engineer who had been on duty forty-eight hours, no man could have been punished under the provisions of the Senate bill. No man can be punished under the provisions of the bill who is not connected with the movement of a train that is carrying interstate or foreign freight or passengers. The fast mail trains and crews are exempt under the provisions of the Senate bill. The excursion trains carrying hundreds of passengers, that do not cross the State limits are exempt under the provisions of that bill. Every train that moves solely within the limits of the State are exempt under the provisions of the bill. That is the kind of relief that these gentlemen, in their pursuit of politics the other day, proposed to give to the country. [Applause on the Republican side.]

Now, Mr. Speaker, see how deftly these acrobats get down from the pole on which they have climbed. The gentleman from Mississippi [Mr. WILLIAMS] says that he objects because the word "knowingly" was inserted in line 3, of page 4; that it was to operate upon a corporation that had no soul, and therefore could not have knowledge.

The language of the bill is:

That it shall be unlawful for any common carrier, its officers or agents—

Did you ever read that? Again the bill says:

In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents.

Did the gentleman from Mississippi ever read that? Did he know that was in the bill? How puerile his objection now seems to be when the attention of the House is called to the provisions of the bill, but the word "knowingly" was "good enough Morgan" to enable him to slide down from the pole he had elevated himself upon. [Laughter.]

Again, the word "consecutive" seems to trouble the gentleman. Now, the provision in that section is this:

That no operator, train dispatcher, or other employee who, by the use of the telegraph or telephone, dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine consecutive hours in any twenty-four-hour period.

Not a day and night, but a twenty-four-hour period. He can not be permitted to remain on duty for more than nine consecutive hours in that period. That is the criticism of the gentleman, that he may be required to work practically continuously. In that he is not correct. And then I would call his attention to this matter, that he now regards as a very important matter, that that was not in the Senate bill at all. No provision with regard to telegraphers or employees of that kind.

But, again, the gentleman thinks that the word "duly" was very important, and that the bill has been wonderfully improved by introducing the word "satisfactory." If he can derive any consolation from that, he is welcome to it. But, again, the word "ordinary" is stricken out and the word "reasonable" introduced. The gentleman finds consolation in that. Does anybody else regard it as important? I certainly, for one, do not. Again, he objected to the bill reported

by the committee because it contained the provision "and it shall be the duty of the district attorney under the direction of the Attorney-General to bring such suits, etc."

That is the law now. That language need not have been inserted. It will be the law if it is stricken out. Every district attorney acts under the direction of the Attorney-General. All of these hundreds of suits that are now being introduced against the railway companies for failure to observe the safety-appliance laws are under the direction of the Attorney-General; and so it is with regard to this act. Here are suits to be brought—not prosecutions, but suits to recover a penalty—not prosecutions instituted on indictments, and in those instances in all cases the district attorney acts under the direction of the Attorney-General, and he will continue to do it under the operation of this law whether that language remains in or goes out of the bill. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I now yield the balance of my time—two minutes—to the gentleman from Georgia. [Mr. BARTLETT.]

Mr. BARTLETT. Mr. Speaker, the gentleman from Iowa [Mr. HEPBURN] charges that we, the minority members of the Interstate and Foreign Commerce Committee, were guilty of playing politics on this bill on Monday last, and calls us "political acrobats," and that we to-day have "slid down the pole."

I can retort with much more truth that they, the majority members, are much better "political acrobats" than we, for they have been forced to get down off of their perch by some power. I do not know whether it was the "big stick" or not. [Applause on the Democratic side.] The other day they undertook to force us, under suspension of the rules, to pass this bill without opportunity to amend it. We did not yield to that power and that pressure, but the gentlemen on the other side have yielded to some pressure by which they permit the amendments in this bill in the very identical way which the minority suggested in the report we made on this bill. [Applause on the Democratic side.]

The gentleman must not forget that his party went before the people in the Congressional election last November with a promise made on the stump and in their campaign book pledged to report and support a real efficient bill of this character limiting the hours of employment of railway employees, and not to support, as they undertook last Monday, a bill which is a fraud and a deception upon the railway employees and the people. [Applause on the Democratic side.]

The Republican campaign book of 1906 contained a letter from the President to Mr. James E. Watson, which was widely heralded as a "trenchant analysis of the issues" then before the people, and in that letter the President said:

I hope and have reason to believe that favorable action will be taken on the bill limiting the hours of employment of railway employees.

The action of a majority of the House on last Monday demonstrated that they had forgotten the promise then made when they undertook to force through a bill on this subject, which their action to-day shows was not a fulfillment of the promise of the President and the Republicans to enact a law properly protecting the public and the railway employees in the matter of hours of employment.

Now, Mr. Speaker, when the report was made on this bill the minority members in their minority views called attention to the fact that we wanted to support the Senate bill in preference to the substitute reported by the majority, provided we could have the right to amend it by striking out the word "knowingly" and by putting into it the provision with reference to telegraphers and operators and making its enforcement effective. We call attention to the fact that there had been for months upon the Calendar of this House a bill known as the "Esch bill," unanimously reported by the Committee on Interstate and Foreign Commerce of the House, which we stood ready to vote for without the change of a word, and they would not permit us to do it. We congratulate the gentleman from Iowa [Mr. HEPBURN] and the Republican majority that by some means they have been enabled to vote for a halfway decent and respectable bill, which will in some measure relieve the situation. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I do not reply to the suggestions that either side has been playing politics, but I make reference to some of the leading performers in the farcical performances we have had upon this bill as sustaining my proposition that all this is new matter to the gentlemen on the other side of this House. I have before me, on page 3304 of the Cox-

GRESSIONAL RECORD of a few days ago, the entire speech of the distinguished gentleman from Mississippi [Mr. WILLIAMS]. He opposed sending the bill to conference under the proposition that was then submitted, and he undertook, in his usual graphic and very elegant manner, to tell what there was wrong about the bill. And I ask your attention to the fact that he did not name one of the changes that has been made in the report of the committee this morning. [Applause on the Republican side.] Not one. There is the proposition; there is the indictment; there is what he said about it, and he never pointed out to this House a single error that was in the bill. What do you think has caused the gentlemen on the east side of the House to get down on their marrow bones, and what power has pointed out to them the changes that we now propose to make in this bill?

Mr. WILLIAMS. Will the gentleman permit an interruption there? I call his attention to the fact that the minority report contained all of these suggestions, and that I had no time to go into details.

Mr. GROSVENOR. The gentleman has no right to take me off the floor. The gentleman had twenty minutes of time, and he was arguing against the action of this side of the House. It was not enough for him, if he knew anything about it, and I assume he did, to quote the report of the minority. If he was fairly opposing the action of this side of the House, it was his duty to have told what was the matter with the bill under consideration. Now, for a moment, Mr. Speaker, let us see what he has.

The word "knowingly" is stricken out, and the gentleman from Missouri [Mr. DE ARMOND] considers that a wonderful improvement. I want any lawyer on this floor to tell me if in his judgment a corporation under this law will ever be mulcted in damages where there is no allegation and proof of negligence sufficient to make a case independent of the use of the word "knowingly?" For my part, I do not believe in creating crimes which a party may commit without knowing he is committing a crime. But in the bill under consideration there is an express application of the term "knowingly"—that is, legal knowledge carried to it by the assertion that knowledge brought to the individual operator of a corporation shall be alleged against the corporation itself. It is the strongest language in the statute, as strong as any statute on the statute book of the United States. What is there left? We are told that prosecutions here, as the bill stands, are to be governed by the Department of Justice. Does anybody believe that? Does anybody believe there will be a prosecution made against a railroad company under this statute that is not directed by the Attorney-General? The general laws of the country give him power and control over these cases, so this language if stricken out is simply a matter that does not add to or take from the force of this bill. It was the Republicans on this side of this House that proposed to put into the bill the proposition that this limitation should be put upon telegraph operators. And you were ready to pass a bill and put it upon the statute books that would have limited the hours brakemen might work, but turn wide open the door for the telegraph operator and the train dispatcher to kill and murder, as they have been doing all along the line on these railroads.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. I hope there will be a solid vote on this side on this proposition.

The SPEAKER. The time of the gentleman has expired; time for debate has expired; and the question is on the adoption of the resolution.

Mr. DRISCOLL. Mr. Speaker, when this bill was under consideration before this House last Monday I was constrained to vote against it, notwithstanding my reluctance to differ with any measure recommended by the great Committee of the House on Interstate and Foreign Commerce. It came up at that time under suspension of the rule and required for its passage a vote of two-thirds in its favor. It received a majority, but not two-thirds, and was therefore defeated. It was reported on Saturday, the 16th of February, and brought up for consideration on Monday, the 18th of February. We had but little time to examine or consider it.

My objection to it at that time was that the second section was blind, obscure, and indefinite, and that, if enacted into law in that form, its enforcement would lead to trouble, confusion, and no end of litigation. The judgment of those who voted against the bill has been vindicated, for it comes up now amended in several respects, and especially the second section has been amended by striking out the part which made it obscure and indefinite, and to which we objected. As thus amended it will pass the House with practical unanimity, for the reason that the membership of this House has been and is

in favor of a law along the lines contained in the Senate bill and in this amendment and have only differed with reference to certain provisions contained in it.

Of late years wrecks and disasters on railroads have been so frequent, and in many cases so appalling, that the traveling public, as well as railway employees, demand that, so far as law may accomplish anything, it may be invoked and applied for the safety of employees and travelers. All seem to recognize the necessity of such a law; at all events, all recognize the ghastly fact that wrecks in the running service of railroads are increasing in number and fatalities.

It is suggested by some that this law will reduce wrecks and disasters on railroads to a minimum. I am not so optimistic, and do not expect it will accomplish such beneficent results. A safety-appliance law was passed some time ago and has been amended from time to time, and other precautions have been taken, and yet wrecks are on the increase. Engines, boilers, cars, and other appliances have been improved from year to year, both as to capacity and availability. Grades on most of the railroads have been reduced and roadbeds have been ballasted. Air brakes and block systems have been invented and applied to the great railroads throughout the country, with the hope and expectation that casualties may be avoided. Telegraphy has been developed and the telephone has been invented, both of which are used in practical railroading. Steel and concrete culverts and bridges have displaced old wooden structures. Yet, with all these modern and approved appliances, management, and methods, the destruction of human life and of property has been increasing year after year.

Now, it is proposed by legislation to improve the character and fitness of the employees engaged in the running service of railroads, in the hope that by reason of so doing greater safety to the traveling public and less danger to the employees themselves may follow. For no matter how excellent the tracks, switches, rolling stock, and appliances and systems may be, unless the men are careful and competent accidents and unnecessary casualties will occur. The men should be not only careful, but they should be competent. They are engaged in most responsible employment. Lives and property are in their hands. A slight mistake or inattention may result in a terrible calamity. Therefore the men should be not only sober, intelligent, and careful, but they should be in such physical condition at all times when engaged in this responsible work as to render the best service of which they are capable. A man may be a thoroughly efficient locomotive engineer when in his normal condition, but if under the influence of intoxicants he is not a safe man to intrust with an engine. Likewise, if he has worked so long and continuously that his body is exhausted and his mental faculties dull and sluggish he is not a fit or competent man for such work; and what is true of the engineer is true of all the other men engaged, directly or indirectly, in the running service.

On this subject I speak not only from the statistics furnished by the Interstate Commerce Commission and by railroad commissions throughout the country, showing the number of people—employees and travelers—killed and injured during recent years, but I speak somewhat from personal experience and observation. I have during my professional career tried many negligence cases against railroad corporations and have given some study to the causes of wrecks and disasters in the running service of those roads, and I believe that many of them have been and are caused by the fact that the men engaged in the operation of trains are, by overwork, lack of sleep and needed rest, rendered unfit for the duties which they undertake to discharge.

It is a matter of much surprise that railroad managements and the employees have not of their own volition corrected these mistakes and avoided many of those disasters. It is for the interest of both that greater care be observed and greater safety assured. Corporations have every possible motive to avoid accidents. They may not be liable in many instances for death losses to their employees, because such claims and actions may often be avoided by the defenses that the risks were assumed by the employees or the accidents caused by the negligence of some coemployee; but the corporations are liable in practically all cases for deaths and injuries of passengers, and they are insurers of freight, and therefore are absolutely liable for all losses in that regard. Then wrecks give their roads bad reputations and cause them to lose business. On the other hand, the employees are even more vitally concerned, because their lives are in danger. There is no adequate compensation to a man for the loss of an arm or leg, or to the family for the loss of the breadwinner. Yet both the corporations and employees have drifted along, the companies paying damages



and the employees suffering injuries from accidents which could, in the exercise of ordinary care and prudence on the part of both, have been avoided.

I am not disposed to throw all the responsibility or shift all the blame in such cases onto the corporations. The men are paid not by the month or day generally, but by the mile or trip and the number of miles made in the month. They are therefore anxious to make as many trips as possible and are naturally inclined to undertake return trips to their homes when they are not in proper physical condition for the work.

It is hoped that this law may do what the managements and men have failed to accomplish; that a statute with a penalty for its violation may prevent the men from engaging in the management of trains, passenger or freight, who are not in a proper physical condition to discharge that responsible and arduous work. The public has been demanding such a law, and the organizations of railway employees are in favor of it. This bill as now amended has, as I am informed, the indorsement of those railway employees' organizations, and if enacted into law it will be up to them to faithfully observe it and see that it is intelligently and conscientiously enforced.

There are three classes of people who will be affected by this proposed legislation and who are therefore interested in it. The employees are the most directly concerned, because their lives are in danger by the negligence of their coservants who are overworked and unfit for the service. The corporations are interested, for they must pay the damage caused by wrecks. They are entitled to a hearing and to fair and considerate treatment in the law which will perhaps require them to modify their former methods of doing business and impose penalties in cases of violation. They should not be hampered or crippled by the enactment of drastic and unreasonable laws, but they should recognize the fact that the number of disasters is constantly growing and becoming more appalling year after year. And if a law will help in avoiding those disasters they should encourage it and cheerfully and conscientiously obey it. Then the third party concerned is the traveling public. They pay their fares and put their lives into the hands of the companies and of the men employed in the management of trains. Great wrecks and disasters have been so numerous and terrible that the passenger now feels when he enters a car that he is taking his life in his hands and subjecting himself to perils that are not necessary. He feels that there is something wrong in the management of the railroads, else there would not be so much danger.

The public demands a law like this, in the hope that greater safety may be secured, and in obedience to the demand on the part of the employees and public the Congress has undertaken to legislate on this important subject.

The question was taken on the adoption of the resolution; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, considering the importance of this bill, I would like to have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 281, nays 0, answered "present" 1, not voting 95, as follows:

## YEAS—281.

Acheson	Calder	Ellerbe	Hamilton
Adamson	Calderhead	Ellis	Hardwick
Aiken	Campbell, Kans.	Englebright	Haskins
Alexander	Campbell, Ohio	Esch	Haugen
Allen, Me.	Candler	Fassett	Hay
Andrus	Capron	Field	Hayes
Bannon	Cassel	Finley	Hedge
Barchfeld	Chaney	Fitzgerald	Hedlin
Bartholdt	Chapman	Flood	Henry, Conn.
Bartlett	Clark, Fla.	Fordney	Hepburn
Beall, Tex.	Clark, Mo.	Foss	Higgins
Bede	Clayton	Foster, Ind.	Hill, Conn.
Bell, Ga.	Cole	Foster, Vt.	Hill, Miss.
Bennet, N. Y.	Conner	Fowler	Hinschaw
Bennett, Ky.	Cooper, Pa.	French	Holliday
Birdsall	Cousins	Fulkerson	Houston
Bonyng	Cromer	Gaines, Tenn.	Howard
Boutell	Crumpacker	Gaines, W. Va.	Howell, N. J.
Bowersock	Currier	Gardner, Mass.	Howell, Utah
Bradley	Cushman	Gardner, Mich.	Hubbard
Brantley	Dale	Garner	Hughes
Brick	Dalzell	Garrett	Hull
Brooks, Tex.	Davey, La.	Gilham	Humphrey, Wash.
Brooks, Colo.	Davidson	Gillespie	Hunt
Broussard	Davis, Minn.	Gillett	James
Brown	Davis, W. Va.	Glass	Jenkins
Brownlow	Dawson	Goebel	Jones, Va.
Brumm	De Armond	Goulden	Jones, Wash.
Brundidge	Deemer	Graft	Keliber
Burgess	Denby	Graham	Kennedy, Ohio
Burke, S. Dak.	Dickson, Ill.	Granger	Kinkaid
Burleigh	Dixon, Ind.	Greene	Kitchin, Claude
Burleson	Dixon, Mont.	Gregg	Kitchin, Wm. W.
Burnett	Draper	Griggs	Klepper
Butler, Pa.	Driscoll	Gronna	Kline
Butler, Tenn.	Dwight	Grosvenor	Knapp
Byrd	Edwards	Hale	Knopf

Knowland	Michalek	Richardson, Ala.	Sullivan
Lacey	Miller	Rives	Suloway
Lafean	Minor	Robertson, La.	Talbot
Lamar	Mondell	Robinson, Ark.	Tawney
Lamb	Moon, Tenn.	Rosenberg	Taylor, Ala.
Landis, Chas. B.	Moore, Tex.	Rucker	Taylor, Ohio
Landis, Frederick	Mouser	Russell	Thomas, N. C.
Lawrence	Murdock	Ryan	Thomas, Ohio
Lee	Murphy	Samuel	Tirrell
Legare	Needham	Saunders	Townsend
Lewis	Nelson	Scott	Trimble
Littaner	Norris	Shackelford	Underwood
Littlefield	Olcott	Sheppard	Volstead
Livingston	Olmsted	Sherley	Vreeland
Lloyd	Otjen	Sherman	Waldo
Loud	Overstreet, Ga.	Sims	Wallace
Lovering	Overstreet, Ind.	Slayden	Wanger
McCall	Padgett	Smith, Cal.	Washburn
McCarthy	Page	Smith, Iowa	Watkins
McCleary, Minn.	Parker	Smith, Ky.	Webb
McCreary, Pa.	Patterson, N. C.	Smith, Md.	Webber
McGavin	Patterson, S. C.	Smith, Mich.	Weeks
McKinlay, Cal.	Payne	Smith, Pa.	Weems
McKinley, Ill.	Pearce	Smith, Tex.	Wiley, Ala.
McKinney	Perkins	Snapp	Wiley, N. J.
McLain	Pollard	Southall	Williams
McMorran	Powers	Southard	Wilson
MacNary	Prince	Sparkman	Wood
Macon	Pujo	Sperry	Young
Madden	Randell, Tex.	Stafford	Zenor
Mann	Reeder	Steenerson	
Marshall	Reid	Stephens, Tex.	
Martin	Reynolds	Sterling	
Meyer	Rhinock	Stevens, Minn.	

## NAYS—0.

## ANSWERED "PRESENT"—1.

Humphreys, Miss.

## NOT VOTING—95.

Allen, N. J.	Fletcher	Lindsay	Ruppert
Ames	Floyd	Longworth	Schneebell
Babcock	Fuller	Lorimer	Scroggy
Bankhead	Garber	Loudenslager	Shartel
Bates	Gardner, N. J.	Lowden	Sibley
Beldier	Gilbert	McDermott	Slemp
Bingham	Gill	McLachlan	Small
Bishop	Goldfogle	Mahon	Smith, Ill.
Blackburn	Gudger	Maynard	Smyser
Bowers	Hearst	Moon, Pa.	Southwick
Bowie	Henry, Tex.	Moore, Pa.	Spight
Buckman	Hermann	Morrell	Stanley
Burke, Pa.	Hogg	Mudd	Sulzer
Burton, Del.	Hopkins	Nevin	Towne
Burton, Ohio	Huff	Palmer	Tyndall
Cockran	Johnson	Parsons	Van Duzer
Cocks	Kahn	Pou	Van Winkle
Cooper, Wis.	Kelley	Rainey	Wachter
Coudrey	Kennedy, Nebr.	Ransdell, La.	Wadsworth
Darragh	Law	Reyburn	Weisse
Dawes	Le Fevre	Rhodes	Welborn
Dovenor	Lever	Richardson, Ky.	Wharton
Dresser	Lilley, Conn.	Riordan	Wudyard
Dunwell	Lilley, Pa.	Roberts	

So the order was adopted.

The following pairs were announced:

For this session:

Mr. VAN WINKLE with Mr. McDERMOTT.

Until further notice:

Mr. MOON of Pennsylvania with Mr. RIORDAN.

Mr. BINGHAM with Mr. COCKRAN.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. FULLER with Mr. HOPKINS.

Until Tuesday:

Mr. KENNEDY of Nebraska with Mr. JOHNSON.

Until noon to-day:

Mr. LILLEY of Pennsylvania with Mr. GILBERT.

For this day:

Mr. COOPER of Wisconsin with Mr. RICHARDSON of Kentucky.

Mr. BURKE of Pennsylvania with Mr. LEVER.

Mr. BURTON of Delaware with Mr. HENRY of Texas.

Mr. BATES with Mr. GUDGER.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. AMES with Mr. GOLDFOGLE.

Mr. SOUTHWICK with Mr. RUPPERT.

Mr. BURTON of Ohio with Mr. LINDSAY.

Mr. COCKS with Mr. GILL.

Mr. MUDD with Mr. TOWNE.

Mr. LOUDEN with Mr. BOWERS.

Mr. LONGWORTH with Mr. MAYNARD.

Mr. TIRRELL with Mr. HEARST.

Mr. WACHTER with Mr. SMALL.

Mr. LILLEY of Connecticut with Mr. FLOYD.

Mr. DAWES with Mr. SULZER.

Mr. HUFF with Mr. GARBER of Ohio.

Mr. WADSWORTH with Mr. WEISSE.

Mr. SMITH of Illinois with Mr. STANLEY.

Mr. ROBERTS with Mr. SPIGHT.

Mr. LOUDENSLAGER with Mr. RANDELL of Louisiana.

Mr. DOVENOR with Mr. RAINEY.

Mr. COUDREY with Mr. POW.

Mr. MAHON with Mr. VAN DUZER.

The result of the vote was announced as above recorded.

The SPEAKER announced as conferees on the part of the House Mr. HEPBURN, Mr. SHERMAN, and Mr. DAVEY of Louisiana.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I shall not object.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. HULL, Mr. CAPRON, and Mr. SLAYDEN.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and pending that motion I desire to make a statement.

But one week of the session remains. It is of the utmost importance that this bill reach the Senate by Monday morning. I shall therefore ask the House to remain in continuous session until the bill is completed. I think we can complete it by early to-night, and that there will be no special hardship on any Member; but it is of the utmost importance that it be completed between now and Monday morning.

Mr. CLARK of Missouri. I should like to ask the gentleman if it would not be better to take a recess at half past 6, for an hour or two, to enable gentlemen to go home and get their supper and come back here feeling comfortable?

Mr. TAWNEY. The difficulty about that, Mr. Speaker—

Mr. CLARK of Missouri. I do not want to hinder you in any way, but I think it will expedite the bill.

Mr. TAWNEY. If we have not a quorum when we return here, it will be impossible to go into Committee of the Whole if anyone makes the point.

Mr. GAINES of Tennessee. I want to remind the gentleman that he made the same observation the other day, and at the night session we had a very large quorum in attendance.

Mr. TAWNEY. It is a matter we can determine later on in the day.

The question being taken, the motion of Mr. TAWNEY was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25745—the sundry civil appropriation bill, with Mr. WARSON in the chair.

The Clerk read as follows:

One half of the foregoing sums under "Buildings and grounds in and around Washington" shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. WANGER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee whether any part of the appropriation for the improvement of the Potomac is for the purpose of erecting bath houses or other facilities to promote the health and welfare of the people generally and especially the poorer classes of the residents of the District?

Mr. TAWNEY. I will say in answer to the gentleman from Pennsylvania that the appropriations do not contemplate the construction of any bath houses. They will provide, however, for promoting the health of the public in so far as a park contributes to that end. This is merely for the completion of the park which was begun in the last four years. There is a strip of land on the Potomac side which it is proposed to improve during the next fiscal year. The improvements authorized at the last session of Congress are practically completed, and I think every Member of the House who has visited that park is not only satisfied with the result, but convinced that the remainder of the park ought to be improved in the same manner. It does not contemplate bath houses.

Mr. WANGER. Of course, Mr. Chairman, I heartily approve of what has been done, but it seems to me the work is sadly incomplete; and it is a sorry commentary on the capital of the nation, supposedly having a government by the people and for the people, that there is not that provision made for the enjoy-

ment of the average citizen, and especially of the poorer citizen, that the capitals of many monarchies provide. I hope this plan very soon will not only be adopted, but provision made for securing these valuable facilities for the health and happiness of everybody.

Mr. TAWNEY. I will say to the gentleman from Pennsylvania further that there was no estimate submitted to Congress for an appropriation for the purposes mentioned by him.

Mr. WANGER. I withdraw the pro forma amendment.

The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than \$1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. MACON. Mr. Chairman, I reserve a point of order to that paragraph.

Mr. PARKER. Mr. Chairman, I move to strike out the last word. I do that for the purpose of placing in the RECORD some tables with reference to the effect of the amendment to letter carriers' pay recently adopted in the House, and also of the Crane bill. With the leave of the House, I desire to place these in the RECORD at this time.

The CHAIRMAN. The gentleman from New Jersey desires to put in the RECORD the matter he refers to. Is there objection?

There was no objection.

The following is the matter referred to:

FEBRUARY 23, 1907.

In order to inform the House as to the probable effect upon the pay of post-office employees by the bill passed by the House the other day, and of the Senate (Crane) bill, I beg leave to insert in the RECORD certain tables.

I. The effect of the House provision in cities where annual receipts are less than \$50,000.

II. The same where receipts are between \$50,000 and \$200,000.

III. The same where receipts are over \$200,000.

IV. The effect of the Crane bill in the last two cases.

I. In cities where the gross receipts are less than \$50,000 a carrier would earn the same amount of money in the first six years of his service as he would under the present law, as can be seen by the following table:

#### PRESENT LAW.

\$19.00 per month, average as substitute.  
12 months.

228.00 per year as substitute.  
3 years.

684.00 total earnings, three years as substitute.  
600.00 first year regular service.  
850.00 second year regular service.  
850.00 third year regular service.

6)2,984.00 total earnings for six years.

365)497.34 average annual salary.

1.36 average per day.

#### PROPOSED LAW.

\$19.00 per month, average as substitute.  
12 months.

228.00 per year as substitute.  
3 years.

684.00 total earnings, three years as substitute.  
600.00 first year regular service.  
800.00 second year regular service.  
900.00 third year regular service.

6)2,984.00 total earnings for six years.

365)497.34 average annual salary.

1.36 average per day.

In twenty years the carriers in these cities would earn an average annual salary of \$779.20, or \$2.13 per day.

II. In cities where the gross receipts are between \$50,000 and \$200,000 the average annual salary which could be earned in twenty years would be \$849.20, or \$2.33 per day, as can be seen by the following table:

\$19.00 per month, average as substitute.  
12 months.

228.00 per year as substitute.  
3 years.

684.00 total earnings, three years as substitute.  
600.00 first year regular service.  
800.00 second year regular service.  
900.00 third year regular service.

14,000.00 fourteen years at \$1,000 per year.

20)16,984.00 total earnings for twenty years.

365)849.20 average annual salary.

2.33 average per day.

III. In offices where the gross receipts are in excess of \$200,000 per annum it would take a carrier eight years to earn the same amount of money under the proposed law that he earns in the same period of time under the present law, as the following table will show:



## PRESENT LAW.

\$19.00 per month, average as substitute.  
12 months.

228.00 per year as substitute.  
3 years.

684.00 total earnings, three years as substitute.  
600.00 first year regular service.  
800.00 second year regular service.  
1,000.00 third year regular service.  
1,000.00 fourth year regular service.  
1,000.00 fifth year regular service.

8)5,084.00 total earnings for eight years.

365)635.50 average annual salary.

1.74 average per day.

## PROPOSED LAW.

\$19.00 per month, average as substitute.  
12 months.

228.00 per year as substitute.  
3 years.

684.00 total earnings, three years as substitute.  
600.00 first year regular service.  
800.00 second year regular service.  
900.00 third year regular service.  
1,000.00 fourth year regular service.  
1,100.00 fifth year regular service.

8)5,084.00 total earnings for eight years.

365)635.50 average annual salary.

1.74 average per day.

In twenty years the carriers in these offices would earn an average annual salary under the proposed law of \$914.20, or \$2.50 per day.

IV. If the bill introduced in the Senate by Mr. CRANE, and which was passed by that honorable body under date of February 1, and which meets the approval of the carriers of the country, should be enacted into law the average annual salary which could be earned by the carriers in first-class offices in twenty years would be \$949.20, or \$2.61 per day.

And in second-class offices the average annual salary would be \$834.20, or \$2.29 per day, as the following tables will show:

## FIRST-CLASS OFFICES.

\$19.00 per month, average as substitute.  
12 months.

228.00 per year as substitute.  
3 years.

684.00 total earnings, three years as substitute.  
600.00 first year regular service.  
700.00 second year regular service.  
800.00 third year regular service.  
900.00 fourth year regular service.  
1,000.00 fifth year regular service.  
1,100.00 sixth year regular service.  
13,200.00 eleven years, at \$1,200 per year.

20)18,984.00 total earnings for twenty years.

365)949.20 average annual salary.

2.61 average per day.

## SECOND-CLASS OFFICES.

\$19.00 per month, average as substitute.  
12 months.

228.00 per year as substitute.  
3 years.

684.00 total earnings, three years as substitute.  
600.00 first year regular service.  
700.00 second year regular service.  
800.00 third year regular service.  
900.00 fourth year regular service.  
13,000.00 thirteen years, at \$1,000 per year.

20)16,684.00 total earnings for twenty years.

365)834.20 average annual salary.

2.29 average per day.

Mr. MACON. Mr. Chairman, I raised the point of order on this paragraph on the ground that the price for concrete pavement has been increased from \$1.65 to \$1.85, and that is a change of existing law as much as would be a change in the increase of salaries.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MACON. Yes.

The CHAIRMAN. Will the chairman inform the Chair whether there is authorization of law for this purpose? The gentleman from Arkansas has made the point of order that this changes existing law.

Mr. TAWNEY. I will say that it is a limitation on the appropriation on the construction of asphalt walks. There is no law on the subject. There has been carried in the District of Columbia appropriation bill for many years a similar limitation as to the cost of the construction of sidewalks, but this year, at this session of Congress, the District Commissioners appeared before the subcommittee on the District appropriation

bill and represented that it was absolutely impossible to secure any bids for the construction of the sidewalks at the limitation fixed in the previous appropriation. The District Committee increased that price, and the appropriation in this bill is made to conform to the price fixed in the District appropriation bill.

Mr. MACON. If the gentleman from Minnesota states that it is impossible to have sidewalks constructed for a less price than this mentioned in the bill, of course I will withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order.

The Clerk read as follows:

Repairs of building where Abraham Lincoln died: For painting and miscellaneous repairs, \$200.

Mr. SMITH of Kentucky. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations if he will consent to return to this paragraph after we conclude the reading of the bill, so that I may offer an amendment to it.

Mr. TAWNEY. What is the nature of the amendment the gentleman desires to offer?

Mr. SMITH of Kentucky. I desire to offer an amendment appropriating a sufficient amount for the erection of a memorial tablet to be placed upon this building, being the building where Abraham Lincoln died.

Mr. TAWNEY. Mr. Chairman, I will state that I will have no objection to returning to the item.

Mr. SCOTT. Mr. Chairman, I would like to ask the chairman of the committee with reference to that same paragraph. It is a United States building, is it not?

Mr. SMITH of Iowa. Yes.

Mr. SCOTT. My understanding is that an admission fee is charged by those in care of it. I would like just a word of explanation as to the arrangement that is made by the caretakers which authorizes them to charge an admission.

Mr. TAWNEY. I would say to the gentleman that the man in charge of it owns an exhibit in the building. The custodian receives no compensation from the Government. The fee that he charges for persons visiting the building to see this exhibit is the compensation for services as custodian.

Mr. DAVIDSON. How much does that amount to in a year?

Mr. TAWNEY. I do not know.

The Clerk read as follows:

Improving harbor at New Haven, Conn.: For completing improvement in accordance with the adopted and extended projects, \$64,926.10.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 127 strike out lines 14, 15, 16, and 17.

Mr. TAWNEY. I would say in explanation, Mr. Chairman, that this amendment is offered upon the suggestion of the chairman of the Committee on Rivers and Harbors, the gentleman from Ohio [Mr. BURTON], and is the same item that went out of the sundry civil appropriation bill a year ago. It seems that this amount is not required at this time.

Mr. SPERRY. Mr. Chairman, it is true that this item went out a year ago—the item which it is proposed to strike out now. The item is a balance due under the original authorization for New Haven Harbor, and we ask for the continuing of the dredging of the Quinnipiack River. Why this should be stricken out last year and again stricken out this year requires a little explanation to understand. I wish the gentleman would give the House the reasons why it is to be stricken out.

Mr. TAWNEY. Mr. Chairman, I regret that the chairman of the Committee on Rivers and Harbors is not on the floor at this time. He expected to be when this item was reached and himself would have made the motion to have it stricken out on the ground, as I understand it, that the work, if done, will be done primarily in the interest of private parties, and that it is not a public necessity that is being served. That, as I understand it from the chairman of the Committee on Rivers and Harbors, is the reason for asking that it go out. But because there is a balance and because this work is authorized the War Department, of course, submitted their estimate for the balance in order to complete this work. That is the only reason that I know of for omitting the item; and when the statement was made to me by the chairman of the Committee on Rivers and Harbors, a gentleman who has given a great deal of thought and consideration to all these river and harbor improvements and who is intimately acquainted with all of them—this one in particular, having personally investigated the matter on the ground—I felt that the Committee on Appropriations is justified in granting his request and acting upon his judgment, which, I think, the Committee of the Whole will be justified in doing.

Mr. SPERRY. Mr. Chairman, that may be true, but last year

the Secretary of War himself went to the committee and requested this to be placed in the bill as reported last year. Now it comes again, and now the gentleman says it is because of some private interests and that a public benefit is not being served, and he gives that as the reason this item should go out. I hope that this item will not be stricken out. The money is a part of the sum originally authorized by Congress for New Haven Harbor. It ought to be appropriated, and if there is any private interest involved there I wish the gentleman would tell me who it is that is being benefited.

Mr. TAWNEY. I am unable to give the gentleman the information. I have not made an investigation personally. The committee has acted upon the judgment of the chairman of the Committee on Rivers and Harbors, and I now call for a vote.

Mr. SPERRY. I hope it will not be stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 38, noes 5.

So the amendment was agreed to.

The Clerk read as follows:

Repairing roadways to national cemeteries: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress: *Provided*, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States, \$12,000: *Provided further*, That no part of this sum shall be used for repairing any roadway within the corporate limits of any city, town, or village.

Mr. HULL. Mr. Chairman, I move to strike out the last word, in order to get a little information from the chairman of the committee. I see here is an appropriation we have carried heretofore for repairs to roadways to national cemeteries. I would like to ask the chairman what roads the Government accepts jurisdiction over, and how many roads it is intended to keep in repair by this appropriation of \$12,000?

Mr. TAWNEY. I would say to the gentleman from Iowa that there are twenty-three of these roads to be repaired and kept in proper condition, aggregating 27 miles. The annual appropriations heretofore made for this purpose, it is claimed by the Department, are entirely inadequate. We have been appropriating, so far as the record for this purpose shows, since 1894 annually. Now they say the \$12,000 which we gave them last year and the year before, which amount was less by \$3,000 than they were receiving the four preceding years, is not sufficient to keep these roads in repair, and the estimate shows it would require at least \$25,000 during the next fiscal year to meet that expenditure.

Mr. HULL. What special authority of Congress has been granted in these roads, simply on appropriation bills?

Mr. SMITH of Iowa. The language is, "which have been constructed by special authority of Congress." It is not permissible to be used for any other purpose.

Mr. TAWNEY. The authority was given by law. From time to time Congress has accepted jurisdiction over roads and has been appropriating under those laws for a number of years.

Mr. HULL. Is the national cemetery at Vicksburg one of these roads?

Mr. TAWNEY. I do not think it is. I think it has a separate appropriation.

Mr. HULL. Does not the gentleman know whether it is or not?

Mr. TAWNEY. I do not. They do not give the—

Mr. HULL. They do not give the cemeteries?

Mr. TAWNEY. They do not give the exact location of all of them.

Mr. HULL. The committee in its hearings, then, took no steps to find out what roads are included in this general provision?

Mr. TAWNEY. In the case of the Vicksburg Cemetery road the special appropriation was given because exceptional circumstances demanded the necessity for this improvement. The amount necessary to improve the road at Vicksburg would have increased so much this appropriation we thought best to make a specific appropriation for this purpose.

Mr. HULL. How long is the Vicksburg road?

Mr. TAWNEY. My recollection is it is about 2 miles.

Mr. HULL. Mr. Chairman, I withdraw the motion, as I have not enough information to make any motion to strike out the paragraph. I was in hopes the chairman could give the information.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

National cemetery, Vicksburg, Miss.: For repairs to the Government roadway to the Vicksburg, Miss., National Cemetery, \$10,000.

Mr. HULL. Mr. Chairman, I move to strike out the last word, in order to see if I can get some information on this. I would like to ask the gentleman, the chairman of the committee, why the national cemetery road at Vicksburg is given a special appropriation here, when, on page 133, a general provision has been put in for all roads over which the Government has assumed jurisdiction?

Mr. TAWNEY. I will say in answer to the gentleman from Iowa—

Mr. HULL. Let me add one more word, so you can explain it all—with a further proviso in the general appropriation that no part shall be used within the corporate limits of any city or town, and you leave it out of this appropriation.

Mr. TAWNEY. I will say to the gentleman from Iowa that the reason there is a special appropriation for this road is because of the cost necessary to repair the road and put it in shape for travel. The amount, if added to the general appropriation for this purpose, would very largely increase it. The conditions here are exceptional, owing to a flood or some condition of nature—I do not now recall what it was—and if we increase the general appropriation to the extent to cover this item now, we would then in the next Congress be called upon to reduce it, and it is harder to reduce these appropriations a great deal than to increase them, as the gentleman from Iowa well knows. This is to complete the work, and when it is done the general repairs of this road will come under the head of the general appropriation for that purpose. I will say the length of the road is 7,200 feet, and runs along the eastern bank of the Mississippi River to the northern limits of the city of Vicksburg—a distance of 7,200 feet. The greater portion of the road is located on the side of a hill. The expense of keeping it in proper repair is naturally great, and the longer such repairs are delayed the greater will be the cost of making.

On June 6, 1906, proposals were invited for the making of these repairs. Under an appropriation given at the last session of Congress the lowest bid was \$9,715, which the gentleman will see is almost equal to the appropriation for the current fiscal year for the general repairs on all of the twenty-seven roads over which the Government has assumed jurisdiction. But the work was not authorized, as the necessary fund was not available.

Mr. HULL. My objection to the whole thing lies in the fact that localities are gradually getting the Government to assume charge of their local roads. This road is of no use to the Government. It is of great use to the city of Vicksburg. There is a national cemetery there with three men in the employ of the Government to take care of it, and for the Government of the United States to be saddled with the care of these roads approaching national cemeteries, in sums of ten thousand or twenty thousand or thirty thousand dollars for the benefit of the locality, is an absolute injustice to the Government. Congress will soon have all of them at enormous expense.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. HULL. In one minute. I am inclined to think that we have assumed a jurisdiction over this that would not make it subject to a point of order, for the reason that at the first session of this Congress, we passed a bill recognizing our jurisdiction and granting a right of way to a railroad on the condition that they keep that part of the road in good repair between the rails and 2 feet on each side.

Mr. TAWNEY. Two feet on each side.

Mr. HULL. I do not know whether the committee has taken that into consideration as reducing the cost or not.

Mr. SMITH of Iowa. It was in the hearings and was fully taken into consideration.

Mr. TAWNEY. If the gentleman will turn to page 214 of the hearings, he will see that the matter is fully discussed there.

Mr. HULL. I would like very much, if the Government assumes jurisdiction, that the committee would put them in good repair for the localities with the proviso that thereafter the Government should not be called upon to maintain the road. It is a question in my mind whether we do assume jurisdiction by simply making an appropriation. I want to give this committee warning now that with the departure of the Committee on Appropriations in the bill in this session, in inserting new places, that you are going to have jurisdiction ceded to you approaching every fort and every national cemetery in this country. The abutting property owners will gladly give deeds if that compels us to build the road. You have to get a deed of it, and a million dollars will not pay the expense the Government will be called upon to meet.

Mr. TAWNEY. Will the gentleman point out one road in this bill where we have assumed jurisdiction?

Mr. HULL. I will point two or three if the committee will give me five minutes.



The CHAIRMAN. The gentleman from Iowa [Mr. HULL] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HULL. I will call attention here to the road at Barrancas, Fla. There is a bill on the Calendar of the House making an appropriation for this road, in which they ask \$32,000. The committee refused to grant any money to build this road beyond the limits of the reservation, and on consultation with the parties representing Florida and the War Department representing the Government as to what it would cost, they amended the bill, giving them \$12,000 to build to the Government line, and put a proviso in limiting it so far as the same lies on the land of the United States. I know what the gentleman wants to say, that in 1897 the Government did give \$10,000 to build this road.

Mr. SMITH of Iowa. That is not what I wanted to say at all.

Mr. HULL. Congress did it anyhow. Now, Mr. Chairman, the city of Pensacola has gone on and commenced the construction of the road to the Government line. They have made the appropriation for it and they have arranged to build it. Pass this proposition as carried in this bill and the Government of the United States would refund to the city of Pensacola the entire amount they are now expending on their own roads. That is one thing that the committee has taken over. Now, I will yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I want to call the attention of the gentleman from Iowa [Mr. HULL] to the fact that in the hearings on this matter we find this:

The records show that the Government owns the entire roadway from the north end of the bridge over Glass Bayou at the northern limits of the city to the southern entrance of the national cemetery, an approximate distance of 7,200 feet, no portion of which is within the corporate limits of the city of Vicksburg.

Mr. HULL. I am speaking of Pensacola.

Mr. SMITH of Iowa. But it was as to Vicksburg that you started the inquiry. The Government owns the road. It may have been an error, it may have been a mistake to acquire it by the action of your committee or some other committee, but it has been ceded, and the Government has accepted the title. Of course the Government does not have to accept the title, but it having been ceded to it and title having been acquired, the Government does own this road from the title thus acquired, and the local authorities can not improve this road; and there is nobody that can do it but the Government of the United States. If the gentleman is correct, I submit that the proper procedure would be for his committee to report a bill ceding back all the roads to the State government.

Mr. HULL. I think so, too, if it is done by the committee's action; but my impression is that it is accepted by making appropriations, but without any other action.

Mr. SMITH of Iowa. Oh, no.

Mr. HULL. We all agree that an item put on an appropriation bill does not make law for an appropriation on any other appropriation bill.

Mr. SMITH of Iowa. Oh, no. The Government owns this road, and either the Government ought to keep it in repair or the gentleman's committee ought to report a bill ceding the land to the local authorities.

Mr. HULL. I am glad to get the information that the Government really does own the road.

Mr. KEIFER. I desire to make an inquiry, in order to get at the right situation in this matter. I wish to ask, Do I understand both gentlemen to take the position that they believe if the Government owned a road in some locality that the Government was obliged to spend thousands of dollars upon it every year for the purpose of keeping it in repair? I want to know whether they think, as a matter of law, that the owning of the road imposes any obligation to improve?

Mr. SMITH of Iowa. If a road or highway in any part of the United States should be ceded and is accepted by the Government of the United States and is owned by the United States, if it has ceased to be in repair and becomes unfit for the purpose for which it was formerly used, and there is no one else that can repair it but the Government of the United States, under those circumstances I think that the Government ought to keep it in repair.

Mr. KEIFER. It imposes no legal obligation on the Government to keep it in repair.

Mr. SMITH of Iowa. No; it does not impose a legal obligation.

Mr. KEIFER. There being no legal obligation imposed on the Government to repair it, there is no existing law to make this appropriation.

Mr. HULL. I withdraw the point of order as to Vicksburg. The Clerk read as follows:

Road to national cemetery, Pensacola, Fla.: For completing the construction of the Government roadway to the Barrancas, Fla., National Cemetery, near Pensacola, Fla., \$32,000.

Mr. HULL. Mr. Chairman, I make the point of order upon that.

The CHAIRMAN. What is the gentleman's point of order?

Mr. HULL. It is entirely new legislation, not included in any law. For five years they have been seeking authority of law. There have been bills introduced, and never until this year was a recommendation made by the War Department in the estimates.

Mr. TAWNEY. Mr. Chairman, I would say that this road is owned by the Government of the United States. On page 511 of the hearings, Captain Parker, in charge of this cemetery, said:

The amount that we want to repair is about 1½ miles in length, and they own that part of the road. It joins the road running to Pensacola, which has been built by the county. The road is about a mile and a half long, but there is a bridge to be built across the Bayou Grande.

Mr. TAYLOR. The bridge is 1,270 feet in length.

The CHAIRMAN. How much of this road has been constructed that this money is for the completion of?

Captain PARKER. There was an appropriation of \$10,000 in 1898. From this appropriation about \$8,000 was used in building this bridge across Bayou Grande. The remainder of the appropriation was used in clearing the ground of trees, etc.

The CHAIRMAN. From the reading of the paragraph itself and from the statement of the gentleman from Minnesota, this seems to be an appropriation for the continuation of a Government work in progress, and therefore the Chair overrules the point of order.

Mr. HULL. Then, I move to strike out the paragraph included in lines 15 to 18.

The CHAIRMAN. Does the gentleman desire to be heard on his motion?

Mr. HULL. I do. I wish to call the attention of the chairman to the fact that the Committee on Military Affairs has reported a bill on this subject, and that the city of Pensacola has accepted the provisions of it, so that there is no excuse for the Congress of the United States appropriating \$32,000 for a proposition to build a road where the locality itself is willing to recognize the justice of building their road outside of the line of the Government property.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HULL. Yes, sir.

Mr. TAWNEY. I want the committee to have full information as to the facts. We appropriated money for the construction of this bridge—

Mr. HULL. Yes.

Mr. TAWNEY. That is the principal item of cost to be expended out of this appropriation. The bridge that we constructed was almost entirely swept away last September by the storm at Pensacola. Just a few piles were left, and it is for the purpose of building 1½ miles of road and rebuilding the bridge.

Mr. HULL. Well, Mr. Chairman, the gentleman does not propose to limit it to the line of the Government, what is owned by the United States, but proposes to build it to Pensacola. It is precisely with that item on which the Chair overruled the point of order.

Mr. PAYNE. I should like the gentleman from Iowa [Mr. HULL] to inquire whether the gentleman from Minnesota [Mr. TAWNEY] would accept as an amendment the limitation in the bill reported from the Committee on Military Affairs.

Mr. HULL. If he will accept that, I will withdraw my motion to strike out.

Mr. LITTLEFIELD. Why does not the gentleman offer the amendment?

Mr. HULL. I will change my motion, then, with the consent of the committee.

Mr. TAWNEY. It is confined now to what the Government owns.

Mr. HULL. There is nothing to indicate that the Government owns the entire line covered by the committee provisions.

Mr. TAWNEY. The gentleman from New York [Mr. PAYNE] has not seen the paragraph.

Mr. PAYNE. Oh, yes, I have.

Mr. TAWNEY. And I submit, before the gentleman begins to criticize the language of the bill, he ought to read it.

Mr. PAYNE. The gentleman from New York has read the paragraph and is as familiar with it as the gentleman from Minnesota.

Mr. TAWNEY. Then the gentleman has misstated it, if he is familiar with it.

Mr. HULL. Mr. Chairman, I ask to change my motion so as to amend the paragraph, so that it will read:

For completing construction of the Government roadway to the Barrancas, Fla., National Cemetery, so far as the same lies on the land of the United States.

Mr. TAWNEY. One moment, Mr. Chairman. This is for the completion of a Government road. Now, I can not conceive how we can be more definite as to what road the money is to be expended upon. It is the road owned by the Government. If it was not owned by the Government, it would not be a Government road, and I submit that there is no necessity for any further limitation.

Mr. HULL. In answer to that, I should like to say just one word.

The CHAIRMAN. The gentleman from Iowa asks to have his amendment changed in certain particulars; and without objection it will be so changed, and the Clerk will report it to the House.

Mr. HULL. After the word "roadway," in line 17, insert the words "so far as the same lies on the land of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "roadway," in line 17, page 135, the following:

"So far as the same lies on land of the United States."

Mr. TAWNEY. Mr. Chairman, the language of the paragraph as it stands in the bill now reads as follows:

For completing the construction of the Government roadway—

The Government roadway to where?

To the Barrancas, Fla., National Cemetery, near Pensacola, Fla., \$32,000.

Now, the only road on which this money can be expended, or any part of it, is the Government road, the road owned by the Government, the road leading to the national cemetery, and the road near Pensacola.

Mr. LITTLEFIELD. I should like to ask the chairman of the committee to tell the Committee of the Whole where the road begins? Does it begin on State land or does it begin on Government land?

Mr. TAWNEY. It begins on Government land and ends on Government land.

Mr. LITTLEFIELD. If that is true, that takes care of it.

Mr. HULL. If that is true, then this amendment can do no possible harm.

Mr. GROSVENOR. Mr. Chairman, that amendment would unsettle a great many of the most valuable roads and approaches to our national parks and cemeteries in the South. To illustrate, the Government has acquired the right to occupy and use—has, if you please, acquired an easement upon the road leading from Chattanooga to the Chickamagua National Park, the old Lafayette turnpike. That provision that is proposed to be put into this bill, if it applied to that, would prevent the Government from spending money to repair and keep in repair that great thoroughfare, which is absolutely indispensable to a proper occupation of that property. The Government, to all intents and purposes, owns the road, by cession of the legislatures of the two States, Georgia and Tennessee, and while it is not on Government property, in the proper sense of the term, the road is the property of the Government for the purposes of the enjoyment of the easement granted therein; and so I think the amendment ought not to be adopted.

Mr. TAWNEY. Mr. Chairman, this road begins on Government land, it ends on Government land, it is a Government road, and the appropriation is made for the improvement of that Government road. No language that the gentleman from Iowa or the gentleman from New York can suggest will make it more specific than the language in the paragraph making the appropriation, and I hope the amendment will be voted down.

Mr. PAYNE. Mr. Chairman, I have in my hand a report from General Humphrey, the Quartermaster-General of the Army, dated February 14, 1906, in which, speaking of this road, he says:

The records of this office show that the total length of this road from the west limits of the city of Pensacola to the national cemetery is 25,800 feet, or about 4.89 miles. Of this 1,270 feet are included in a bridge, and about 600 feet at the beginning of the road on the west side of Bayou Chico is macadamized. Of the total 25,800 feet of road, about 7,400 feet are within the Government reservation.

The portion of the road from the national cemetery to the city of Pensacola, which lies on the Government reservation is on the naval reservation.

The land transportation facilities between the national cemetery, Barrancas Barracks, and the navy-yard—in fact, between the Government reservation and the city of Pensacola—are very poor.

It is considered by this office that this roadway should be improved and placed in a proper condition. The passage of this bill is therefore recommended.

And then in another communication, dated April 21, 1906, Quartermaster-General Humphrey says:

In regard to the construction of that portion of the road which does not lie on Government reservation, and reducing the estimate accordingly, you of course understand that an appropriation of \$10,000 was made for the entire roadway up to the west limits of the city of Pensacola in the sundry civil act approved August 1, 1897, and that as much of this roadway as possible was constructed under that appropriation, which, however, was too small to perform the work in a proper and substantial manner; hence the call which has been made for several years for additional money to complete this work.

Now, there is enough there to show that if this amendment is not put in the bill they will construe it as they construed a former provision and apply it to the whole road on the Government property and on the other, and inasmuch as Pensacola, as I understand, is willing to construct their share of the road, I do not know why we should not limit it to the Government road.

Mr. TAWNEY. It is limited now.

Mr. SMITH of Iowa. Mr. Chairman, I want, in reply to the gentleman from New York, to call attention to the portion of the hearings of the officer of the Quartermaster's Department, at the head of which General Humphrey is:

The CHAIRMAN. The next item is for the road to the national cemetery, Pensacola, Fla. For completing the construction of the Government roadway to Barrancas, Fla., National Cemetery, near Pensacola, \$32,000.

Mr. SMITH. Does the Government own that 5 miles of road?

Captain PARKER. The amount that we want to repair is about 1½ miles in length, and they own that part of the road. It joins the road running to Pensacola, which has been built by the county. The road is about a mile and a half long, but there is a bridge to be built across the Bayou Grande.

This, it seems to me, is a complete answer to what has here been said. It appears that there is a road running to Pensacola the whole of which is 5 miles in length and of which about a mile and a half is Government road, owned by the Government of the United States. This bill provides that this money is for the improvement of that Government road, and yet it is said that under such language the Department will spend money not on the Government road, but on the extension of the road owned by the county. I deny that such a thing would be possible, and to insert in this bill the language which the gentleman from Iowa has offered would be about as wise as to provide an appropriation for the improvement of the Capitol and then provide that no portion of it should be spent upon property not owned by the Government of the United States.

Mr. HULL. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. HULL. In the hearings before the Military Committee this report of the Quartermaster-General means, if it means anything, the building of the entire road into the city of Pensacola. The blueprints, the report of the engineer, showed it, and I assume the gentleman had the same thing before his committee. It showed that this \$32,000 would complete the road into the city of Pensacola.

Mr. SMITH of Iowa. Not at all; they showed exactly the contrary in our committee.

Mr. HULL. They showed exactly that in our committee, and that is the reason why we limited it. I will ask the gentleman if the Government owns a mile and a half of this road and this limitation is put in, can not the money be spent on the mile and a half owned by the Government?

Mr. SMITH of Iowa. The money will be spent on the mile and a half of road owned by the Government without the limitation being put in.

Mr. MANN. May I ask the gentleman from Iowa a question?

Mr. SMITH of Iowa. Certainly.

Mr. MANN. Is not the part of the road owned by the State a government road?

Mr. SMITH of Iowa. No, sir.

Mr. MANN. Why, does the gentleman say that a State is not a government?

Mr. SMITH of Iowa. In every item put into an appropriation bill where the word "Government" is used it refers to the Government of the United States.

Mr. MANN. Is there any judicial opinion to that effect?

Mr. SMITH of Iowa. I do not think it needs any judicial opinion. When it speaks of construction by the Government, it means the Government of the United States and not some other government than that for which we are legislating.

Mr. MANN. I would be inclined to agree with the gentleman, but it is not absolutely certain that that is the case.

Mr. HULL. I would like to ask the gentleman what action by Congress has ever been had to accept any part of this road



outside of the limits of the reservation except the appropriation of 1897?

Mr. SMITH of Iowa. In answer to the gentleman I will say that I base my statement on the testimony uncontroverted here by the officer of the Quartermaster's Department that the Government owns a mile and a half of that road.

Mr. HULL. We had nothing before us to show that the Government owned anything outside of the reservation.

Mr. SMITH of Iowa. The gentleman does not doubt that this is the fact that we do own it?

Mr. HULL. I doubt the truthfulness of the officer. I will change the word "truthful," and say that I doubt his information.

Mr. MADDEN. I would like to ask the gentleman from Iowa if it isn't a fact that \$19,000 of this appropriation will be used in the construction of a new bridge?

Mr. SMITH of Iowa. That is correct.

Mr. MADDEN. And all the rest is necessary to construct the road within the reservation?

Mr. SMITH of Iowa. Within the reservation, and the Government owns the ground on which it will be made.

Mr. LITTLEFIELD. As I understand it, the principal question in controversy between the two gentlemen from Iowa is largely verbal and technical. The gentleman from Iowa on the committee [Mr. SMITH] claims that he already does by his bill what the other gentleman from Iowa [Mr. HULL] wants to be done.

Mr. SMITH of Iowa. I am the mere intervenor in the controversy between the chairman of the committee and the gentleman from Iowa [Mr. HULL].

Mr. LITTLEFIELD. Do I not state the controversy correctly?

Mr. SMITH of Iowa. Yes; in a sense.

Mr. LITTLEFIELD. So it is largely a technical question?

Mr. SMITH of Iowa. Yes; largely a technical question as to whether the gentleman from Iowa [Mr. HULL] is better able to draft the language of this bill than is the committee.

Mr. LITTLEFIELD. In other words, the committee does not like to be criticised indirectly.

Mr. SMITH of Iowa. Oh, we have no objection to that.

Mr. LITTLEFIELD. Then, why not pass the amendment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, when this matter was before the Committee on Appropriations for consideration the following occurred. I read from the hearings:

Captain PARKER. The bridge would cost about \$8,000.

The CHAIRMAN. So \$24,000 of this appropriation would then be for building a mile and a half of road?

Captain PARKER. Yes, sir; 1½ miles.

There was an appropriation of \$10,000 in 1898, which was used in building a bridge across Bayou Grande and also in clearing away the trees from this land over which the road was to run. The appropriation would be used for grading and surfacing, \$11,150; for building the new pile bridge, \$19,390.

The CHAIRMAN. So that the new bridge that you propose to put in in place of the one that was washed out will cost about \$10,000 more than the other one.

Captain PARKER. Yes, sir.

The CHAIRMAN. What is the cause of the increased cost?

Captain PARKER. Well, for one thing, material and labor are higher, and another thing, we wanted to build a better bridge, one that will not be washed away.

The CHAIRMAN. Have you got the several items that go to make up this item of expenditure?

Captain PARKER. The first item is grading and surfacing and restoring, \$11,150. The second item is the pile bridge, \$19,390. That makes a total of \$30,540, and the difference would be for contingencies which might arise.

Mr. SMITH. All but about \$2,000 worth of work that has been done has been lost through this flood?

Captain PARKER. Yes, sir.

Mr. LAMAR. Mr. Chairman, I think there is no question about the fact that the money appropriated in this section is to be limited to the portion of the road which is on Government property purely, and as the gentleman from Minnesota [Mr. TAWNEY] has just stated, the increased cost lies in the fact that the Government is compelled to reestablish a bridge across Bayou Grande swept away in the hurricane of last September at Pensacola. The appropriation in the sundry civil bill of \$10,000 for this road in 1897 went into that bridge practically. Now, nearly \$20,000 is required to be put into this bridge, under modern cost, to make it as the Government would like to construct it. There is no attempt on the part of the city of Pensacola to get something out of Congress which it is not entitled to, or to get something in a roundabout way through this committee which it can not get through the Committee on Military Affairs. There is a bill pending on the Calendar, introduced by myself in this House, appropriating \$32,000 to cover the cost of this road. It has been reported out favorably by the Committee on Military Affairs, but has been reduced in amount to \$12,000. That bill I shall call up for passage at the earliest practical

moment if this sundry civil paragraph fails. The city of Pensacola, by private subscription, is building this road from the city line up to the Government reservation line, and I have here a letter written to me by the secretary of the chamber of commerce explaining the matter, the amount of work done, and the character of it, and I desire that letter to go upon the record as showing the bona fides of the people of that community. That letter I ask the Clerk to read.

The Clerk read as follows:

THE CHAMBER OF COMMERCE OF PENSACOLA.  
Pensacola, Fla., February 18, 1907.

Hon. W. B. LAMAR, M. C., Washington, D. C.

DEAR SIR: Referring to yours of recent date to Mr. Frank L. Mayes, in which you request that he have the Chamber of Commerce write you with reference to the plans of this (Escambia) county in the matter of a road from the city limits of Pensacola to Bayou Grande, to connect with the proposed military road from Bayou Grande to the national cemetery, I beg to advise that the county is now working all of its convicts on this road and that about half of the road has been completed. As soon as the road is completed, which will be in the course of the next ninety days, the county commissioners have planned to construct a substantial steel bridge across Bayou Chico to replace the present wooden structure which is now in use across this bayou.

The county does not contemplate rebuilding the Government bridge which spans Bayou Grande and which was practically destroyed in the September hurricane. I am of the impression that the War Department contemplates reconstructing this bridge. Some three or four weeks ago there was a civil engineer here from the Quartermaster-General's office to inspect this bridge and report upon the cost of reconstruction. I accompanied him upon his visit of inspection, and from my conversation with him gained the impression that it was the intention of the War Department to repair the bridge without reference to the passage of the military road bill now pending. Inquiry at the office of the Quartermaster-General will develop whether or not my impressions were correct.

I might add that a large portion of the expense of building the road between the two bayous is being liquidated by private subscriptions secured with the idea that there will be no hitch in the passage of the bill for the construction of the road across the Government reservation.

Very truly, yours,

W. C. JONES, Secretary.

Mr. LAMAR. Mr. Chairman, it appears, then, that in these 5 miles of road between the city limits of Pensacola and the military post there are two bridges, one over Bayou Chico and one over Bayou Grande. Bayou Chico is off the Government reservation, and the county of Escambia is now preparing to build a steel bridge over it. A line of road between the reservation line and the city of Pensacola is being constructed at the cost of the individual citizens of that city, so this amount which appears somewhat large no doubt to the chairman of the Committee on Military Affairs, in view of his indorsement of my bill, the main portion of it is for the construction of the Government bridge on the Government land over Bayou Grande, destroyed in the hurricane of last September.

Mr. HULL. Will the gentleman yield for a question?

Mr. LAMAR. So this paragraph appropriating \$32,000 is merely legislation that embraces the \$12,000 for the military road construction that now has the indorsement of the Committee on Military Affairs, and appropriates the further sum of about \$20,000 for the construction of the Government bridge.

Mr. HULL. Is it not true that the gentleman's bill asked for \$32,000 to build the road the whole distance?

Mr. LAMAR. That is very true, but that did not contemplate the construction of this \$18,000 or \$20,000 steel bridge on the Government property, which lately has been swept away and destroyed.

Mr. HULL. I grant that. The bridge part was supposed to have been practically built. I grant you that the construction of the bridge had made a difference in the amount. Is it not true the city of Pensacola has accepted in good faith the report of the Committee on Military Affairs and has been proceeding on the theory we would give them a good road to the limit of the reservation?

Mr. LAMAR. That letter shows that.

Mr. HULL. The letter shows they were proceeding on the belief that the action of the Committee on Military Affairs and their Representatives here would be ratified by Congress.

Mr. LAMAR. That is true.

Mr. HULL. Then I can see no objection—

Mr. LAMAR. But, as I understand, the \$32,000 is recommended by the Government experts.

Mr. HULL. No; \$32,000 is recommended before the Military Committee for the entire road.

Mr. LAMAR. I meant the amount carried in this paragraph of the bill.

Mr. LITTLEFIELD. I want to make an inquiry of the gentleman from Iowa, chairman of the Committee on Military Affairs. Do we understand from the chairman of the Committee on Military Affairs that the people of Pensacola were satisfied with the proviso that you reported, as an amendment to the bill introduced by the gentleman from Florida, which is in substance the amendment which you propose to the sundry civil bill?

Mr. HULL. They have accepted that in good faith.

Mr. SMITH of Iowa. And this bill conforms to it.

Mr. LITTLEFIELD. There seems to be some doubt involved in the matter, and I would like to ask the chairman of the Committee on Military Affairs—

Mr. TAWNEY. Not at all.

Mr. LITTLEFIELD. Then all you are fighting about and the only question is what language shall be used. The gentleman from Iowa, the chairman of the Committee on Military Affairs, wants to make it certain, and the gentlemen on the Appropriations Committee want to leave it uncertain. That is all.

Mr. TAWNEY. If the gentleman will pardon me, the gentlemen on the Committee on Appropriations think it is as certain as it can be made by any language that either he or the gentleman from Iowa can add to it. It is a Government road and you can not have a Government road on any other man's property or property owned by any county or any State.

Mr. LITTLEFIELD. The gentleman from Ohio a short while ago made a speech in which he said there were a great many Government roads on State property, at Chattanooga and various other places, which I have no doubt is perfectly true. This, of course, does not affect that—

Mr. GROSVENOR. It does.

Mr. LITTLEFIELD. Very well, then. The gentleman from Ohio, who is an intelligent gentleman, claims this language is sufficient to cover a Government road going over State lands as well as Government lands. The gentleman from Iowa, likewise an intelligent gentleman, thinks this language is broad enough. Now, the committee is simply fighting this amendment on the ground that this language is sufficient and other intelligent men think it is not sufficient and want to make it certain, and I think the Committee of the Whole ought to make it certain.

Mr. GROSVENOR. I think the gentleman from Maine did not quite understand the point I made. At Nashville, at Chattanooga, and everywhere in the South the Chickamauga National Park, which will come up directly in this bill, and all these other places, instead of compelling the Government to buy road to have access to its own property, the States have ceded an easement in their public roads to the Government of the United States. It is not Government property in the technical sense. It is an easement over property belonging to the States. Access to the great Chickamauga National Park, which is occupied and constantly used by the Government, passes over the Lafayette turnpike road, which is not owned by the Government, but the Government has an easement created by the legislature of Georgia. Now, this provision applied to that case would prevent the repair and maintenance of that road, and that pervades everywhere where these national cemeteries are in the South.

Mr. LITTLEFIELD. Now, Mr. Chairman, I am very glad to get the explanation of the gentleman from Ohio, because, if the same legal condition exists in this section that exists in these other sections, I wish to call attention to the fact that it simply absolutely negatives the construction of the language put on this appropriation by the Committee on Appropriations. Because, from the standpoint of the gentleman from Ohio [Mr. GROSVENOR], the Government may now have an easement running clear to the city of Pensacola; but the committee have, over and over again, and the gentleman from Iowa [Mr. SMITH] and the gentleman from Minnesota [Mr. TAWNEY] have informed us that this appropriation covers only about a mile and a half of road instead of 5 miles of road. Now, if the assertion of the gentleman from Ohio be correct, it really does cover and is intended to cover and ought to cover 5 miles. That is his proposition. So there is a difference of opinion as to the meaning of this language. Now, I understand the committee to admit that they only want to cover the Government land, and if they only want to cover the Government land, then the amendment offered by the gentleman from Iowa [Mr. HULL], the chairman of the Military Affairs Committee, ought to be adopted by the committee, in order to limit this language and eliminate the construction that was suggested by the gentleman from Ohio, unless under the guise of this general language the committee want \$32,000 appropriated here to enable and compel the Government to maintain a road clear to the city of Pensacola, which they say they do not want. In order to get this specifically taken care of, we ought to have the other language.

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman from Maine [Mr. LITTLEFIELD], the committee certainly can not contemplate that \$11,000 or \$13,000 will build 5 miles of road. The Committee on Appropriations has appropriated for the roads substantially what the Committee on Military Affairs has appropriated. The addition to \$19,390 is for the recon-

struction of a bridge that was destroyed by the floods there last September. It is simply for the construction of the Government road across the Government reservation, and there is nothing more certain than what the language expresses here.

Mr. GARDNER of Michigan. Mr. Chairman, I think the gentleman from Ohio [Mr. GROSVENOR] is in error when he makes the application of his statement universal. It is true with regard to access to Chickamauga Park, but it is not true as I understand it in regard to the access to all of the national cemeteries. Indeed, there was an application for an appropriation to build a road to a national cemetery in Missouri two or three years ago, and it was clearly brought out in the hearings that the people in that community wanted the Government to build the road from their town to the national cemetery as well as within the Government reservation. For one I do not believe the Government ought to go into the work of building roads for communities where the Government has already expended thousands of dollars, secondarily, for their benefit. There is certainly not a community in the United States where a national cemetery is located that has not directly and indirectly and will perpetually derive profit from the Government. The Chattanooga National Cemetery is worth a great deal to the city of Chattanooga from a financial point of view, as well as the cemetery at Murfreesboro, the cemetery at Vicksburg, and all these other great burial places, where hundreds of thousands of dollars have been expended, and where annually an appropriation is made to keep them in repair and in condition, and which call to them year by year great numbers of visitors from different sections of the country. But the Government ought not to build national highways on State lands to gain access to these. If the communities have not pride enough or interest enough to do these things, then let them ride over roads that are unimproved until they strike the Government reservation.

And now if there is any doubt in the minds of the committee or anyone else that this appropriation shall apply to a foot of soil that is not on land belonging to the United States, then it ought to be cleared up.

Mr. PAYNE. I want to say to the gentleman that on the next page there is a reappropriation for constructing and repairing the Government roadway to Fort Scott. Now, is that not evidently another property than the Government, namely, the Government roadway to Fort Scott?

Mr. GARDNER of Michigan. I think there is clearly a distinction between a Government roadway and the roadway built by the Government on national grounds or ground belonging to the Government. The two may exist, and the Government may appropriate to either or both of them, but I believe it ought not to appropriate in building highways on State lands or municipal lands.

Mr. TAWNEY. I move that all debate be now closed on the paragraph and pending amendment.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HULL].

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. HULL. Division, Mr. Chairman.

The committee divided; and there were—ayes 20, yeas 68.

So the amendment was rejected.

The Clerk read as follows:

Road to the national cemetery, Port Hudson, La.: For repairing the bridge, culvert, and roadway from Port Hickey, La., to the Port Hudson, La., national cemetery, \$10,000.

Mr. PARKER. I reserve the point of order; or I make the point of order, unless some explanation is given.

Mr. TAWNEY. Mr. Chairman, this road was authorized by an act approved May 14, 1890. The note in the Book of Estimates says:

This road is badly washed out in places, and near its upper end a deep ditch 150 feet long has been washed under and through the road in the form of a tunnel, and the brick gutters on the steep grade are broken and undermined in many places. The appropriation for "repairing roads in national cemeteries" is entirely inadequate to meet the expense of putting this road in good condition.

That is the note reported to the committee by Asst. Q. M. Gen. George E. Pond. It is a Government road.

Mr. HULL. Did the gentleman say that this is a Government road the entire distance from Port Hickey to Port Hudson?

Mr. TAWNEY. I do not know about that; but that part of the road to be repaired is a Government road.

Mr. HULL. It does not say so. It is in the same vague language: "For repairing the bridge, culvert, and roadway from Port Hickey, La., to Port Hudson, La., National Cemetery." It does not say that it is a Government road.



Mr. TAWNEY. Well, I will read the testimony, Mr. Chairman:

Mr. SMITH. "For repairing the bridge, culvert, and roadway from Port Hickey, La., to Port Hudson, La., National Cemetery, \$10,000." Is this roadway on Government land?

Captain PARKER. Yes, sir.

Mr. SMITH. In all these items where you are estimating for rebuilding roads you are asking for separate appropriations for the Mississippi River places which was the same ground upon which you asked for an increased general appropriation?

Captain PARKER. Well, I only spoke of that generally.

The road is a Government road over the points designated in the language of the paragraph.

The CHAIRMAN. The Chair learns from the statement of the gentleman from Minnesota that this is a Government road, and as the appropriation is for the repair of that road, the Chair overrules the point of order.

The Clerk read as follows:

Road to national cemetery, Keokuk, Iowa: For repairs to the approach roadway to the Keokuk, Iowa, National Cemetery, \$1,500: *Provided*, That the city of Keokuk cede to the United States, free of charge, the land over which the road extends: *And provided further*, That the city of Keokuk improve and agree to maintain in proper repair the road leading south from the main driveway of the city cemetery to the point where the Government road begins, \$1,500.

Mr. PARKER. I make the point of order on the paragraph just read.

Mr. HEDGE. I hope the gentleman will reserve the point of order in order that I may make an explanation of the item.

Mr. PARKER. Certainly; I will reserve it.

The CHAIRMAN. The gentleman from New Jersey reserves the point of order.

Mr. HEDGE. Mr. Chairman, this is a little national cemetery that was established September 23, 1861. I suppose that during the war something over 700 soldiers were buried there. It is outside of the city limits of Keokuk, and the only approach to it that ever has been is through the generosity of the city cemetery. There is no public approach to it. We simply are asking on behalf of the old soldiers of Iowa a proper and respectable roadway to this national cemetery. This expenditure of \$1,500 will cover all that is required and macadamize the road. It is not open to the suggestion made by my friend from Michigan [Mr. GARDNER]. This cemetery is not one of those places of resort that attracts strangers. It is a plain, homely, little place, surrounded by an iron fence, and nobody, I suppose, ever goes there except the personal friends of the soldiers or the little company that accompanies a dead soldier to his last resting place. I hope, Mr. Chairman, that these suggestions of mine may be received in good faith, as this will probably be the last request I shall be allowed to make to this House.

Mr. PARKER. Will the gentleman permit me to ask him a question?

Mr. HEDGE. Certainly.

Mr. PARKER. Can the gentleman assure me that the granting of this \$1,500 now will not become an obligation for further repairs of this road by the Government?

Mr. HEDGE. I can not, because the proviso is there that the city of Keokuk, or whoever is the owner—

Mr. PARKER. Shall do the rest. But will the city of Keokuk hereafter keep the road in repair, so that we will not have appropriations any more for that purpose?

Mr. HEDGE. I can not make any promise for the city of Keokuk.

Mr. PARKER. I will withdraw the point of order.

Mr. MANN. I renew it.

The CHAIRMAN. The Chair understands the gentleman from Illinois to renew the point of order?

Mr. MANN. I renew it, or will reserve it if the gentleman desires.

The CHAIRMAN. The gentleman from Iowa [Mr. HEDGE] has the floor.

Mr. HEDGE. I hope the gentleman will not insist upon the point of order. This is an exceptional case. I presume it is an unique case. The streets of the city of Keokuk go to the Oakland Cemetery, which is near by. But there is absolutely no way to this national cemetery except through the good will of the proprietors of Oakland Cemetery, and they have generously permitted us to use the strip of land through their cemetery all this time and kept it in order at their expense; but it so happens that they can not longer, without additional expense and trouble, permit the use of this old roadway over to the cemetery, and there we are. It is the only national cemetery in the State of Iowa. As I said a minute ago, it is not a show place or a place of resort, and the result of this can not be of any advantage to the people of Keokuk. It will not make the town of Keokuk a place of resort. It can not bring any profit to any living man in Keokuk. I am speaking in behalf of the old soldiers of the State of Iowa, to give their

national cemetery, about the first one ever started during the civil war, a proper and decent and seemly approach, such as the Government ought to make to a place of that kind. That is all I am asking, and I hope that no technical objection will be raised.

Mr. SMITH of Iowa. Mr. Chairman, I should like to be heard briefly on the point of order, if it is insisted upon. This, as I am advised, is the only national cemetery in the State of Iowa. Under repeated recent rulings I am unable to see why an appropriation for the acquisition and improvement of an addition or extension to a national cemetery is not in order upon this bill, and when reduced to a clear statement I think that will be found to be what this means. They have there a national cemetery. Roads within a national cemetery are just as much a part of the cemetery as the little lots in which the dead are buried. Here comes a proposition to acquire additional land for road purposes in connection with a national cemetery, an enlargement of a national cemetery for road purposes. No one will claim that the roads within the cemetery are not just as important a part of the cemetery as the grave lots. Here arises a proposition to enlarge this cemetery for the purpose of giving access to it. I see no reason if, as ruled here, it be admissible upon an appropriation bill to carry money to buy additional grounds for Fort Hamilton, and for the enlargement of other Government reservations, why it would not be admissible to appropriate money directly for the purchase and improvement of additional grounds adjacent to national cemeteries.

This bill provides \$1,500 for the enlargement and improvement of the national cemetery at Keokuk, Iowa. That is the true interpretation of it. It provides that the city shall donate this land to the Government of the United States as a roadway to the cemetery, as essential a part of the cemetery as any other part, and that \$1,500 shall be expended upon this addition to the cemetery when it shall have been so enlarged. That, in my judgment, is the legal effect of this provision; and if so, the point of order is not well taken.

Mr. GARDNER of Michigan. Mr. Chairman, I take issue with the gentleman from Iowa [Mr. SMITH] on the proposition that a roadway outside of a national cemetery is an enlargement of the national cemetery itself. I understood the gentleman to use those exact words, that this appropriation was for the enlargement of the national cemetery at Keokuk, Iowa. It says:

For repairs to the approach roadway to the Keokuk, Iowa, National Cemetery.

That is all there is—no enlargement. It does not go inside the gates. Everything is outside.

Mr. SMITH of Iowa. The question, Mr. Chairman, is whether an enlargement of a national cemetery can not be made unless it is inside the fences already constructed.

This provides for \$1,500 to improve the access to the cemetery when the ground upon which the improvement is to be made shall have been ceded to the United States. For what purpose, does it say?

For repairs to the approach roadway.

It is the approach to the cemetery, and the approach to the cemetery is as much a part of the cemetery, if it is owned by the Government, in my judgment, as any burial lot within the inclosure.

Mr. GARDNER of Michigan. Let us look at that for a moment. Grant it, and I want to tell the gentleman from Iowa that inside of ten years you will have appropriations amounting to hundreds of thousands of dollars to enlarge national cemeteries by means of roads dedicated to the National Government, some of them 1, 2, 3, and 5 miles long.

Mr. HULL. And some of them more than that.

Mr. GARDNER of Michigan. More than that. I am sorry to take issue with my friend from Iowa. The people of Keokuk, if it comes to that, can do this work without coming with outstretched hands to the Government for the sum of \$1,500.

Gentlemen, it is time to call a halt; let the National Treasury cease to pour out its money for roadways where national territory ends, and let the national territory end at the gate that leads to the sacred precincts of the dead. Let us not go on building highways over the South and over the North simply on the plea that they are for access to national cemeteries, when, as gentlemen know, where one vehicle carries visitors to the cemetery, thousands go in the daily pursuit of traffic or for pleasure drives, and for nothing to do with the cemeteries whatever. It is a nice thing to have, but is that the business of the Government? Is that what we collect money for from the people—to build pleasure drives and furnish better roads for people to go to market over. I tell you, gentlemen, it is time to say no, and call a halt on these things. [Applause.]

Mr. HULL. Mr. Chairman, one word further. We passed over a proposition a few minutes ago for building a road to Barrancas, Fla., appropriating \$32,000. That, in my judgment, is on all fours with this. If the Chairman was right in ruling that a point of order would not lie against that, then certainly it would not lie against this other provision.

The CHAIRMAN (Mr. Watson). To which ruling does the gentleman refer?

Mr. HULL. I raised a point of order on the paragraph beginning on line 15 and ending on line 18, and the Chair, not the present occupant, promptly overruled it.

Mr. MANN. The Chair overruled the point of order on the distinct statement of the chairman of the Committee on Appropriations that it was intended for the improvement of a road owned entirely by the Government, and the Chair, in overruling the point of order, stated that fact. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. The Chair is pretty well satisfied on the point of order. The Chair thinks there is a very clear line of demarcation between the ruling referred to by the gentleman from Iowa and the present case. As the gentleman from Illinois has said, the proposition embodied in the language from line 15 to 18 is clearly in order, and the very language of the proposition made it in order, besides the statement made by the chairman of the committee that it was for the improvement of a Government road, a road now owned by the Government. It was therefore clearly within the rule of a Government work in progress.

Here is a proposition to build a road over land that does not now belong to the Government, and the mere fact that a proviso is put in does not change the rule.

Neither can the Chair coincide with the view expressed by the gentleman from Iowa [Mr. Smith] on the ground that the road is necessary to get to the cemetery and therefore is essential to the cemetery.

Mr. SMITH of Iowa. Will the Chair indulge me for saying that I did not mean necessary in any sense except that Congress is to judge of the necessity? I did not mean it as a matter of law that any Government reservation is necessary or is a matter of parliamentary law, but that it was for Congress to pass on the necessity of a Government reservation.

The CHAIRMAN. For years the construction of these roads has gone to the Committee on Military Affairs. Never before, as far as the present occupant of the chair knows, has a proposition of this kind been added to an appropriation bill.

Mr. HULL. Will the Chair indulge me for one suggestion? Do I understand the Chair to rule that the Committee on Appropriations by simply putting in the words "for a Government roadway" or "for improvement of a Government highway" makes it in order?

Mr. MANN. I submit that the Chair is not called on to rule on that question.

The CHAIRMAN. The Chair would have no hesitancy in ruling upon it, although it is a hypothetical case; but the Chair is of opinion that unless the bill itself said that it was for a Government road or for the improvement of a road already owned by the Government, the Comptroller of the Treasury would not be authorized in paying any money out for this improvement.

Mr. HULL. I do not want to be technical, Mr. Chairman, and I hope the Chair will not understand that I feel that way, but I got the impression from what the Chair stated, that if the committee put in an appropriation "for the repair of a Government roadway," whether the Government owned it or not, it would make it in order.

The CHAIRMAN. The present occupant of the chair will state that under the only ruling on this proposition heretofore made not only was that language in the bill, but the chairman of the committee stated that the Government owned the roadway. That seems to be entirely sufficient. If this language had been different from what it is, and a limitation on an appropriation had been sought, the ruling of the Chair might have been different, but under the circumstances it is very clear to the Chair that it is obnoxious to the rule, and the Chair therefore sustains the point of order.

The Clerk read as follows:

Road to national cemetery, Fort Scott, Kans.: For reconstructing and repairing the Government roadway to Fort Scott, Kans., National Cemetery, known as "National avenue," \$17,500, which shall be expended commencing at the end of the road nearest the cemetery and so as to make a thoroughly good road for such distance as can be completed for said sum, and when the amount so appropriated has been expended the title to the whole of said roadway, including the portion thus improved and that remaining unimproved, shall pass to the city of Fort Scott for street purposes: *Provided*, That no portion of this appropriation shall be available until the city of Fort Scott, Kans., shall, by valid ordinance, accept the provisions hereof and agree to ac-

cept said cession and to promptly and well pave all the portions of National avenue not improved under this appropriation and bind said city to forever maintain the whole of National avenue in good repair.

Mr. HULL. Mr. Chairman, I reserve the point of order on this and I want to make a little statement to begin with, and then the committee, I think, may be able to give some information. Some years ago the Congress of the United States made an appropriation for the construction of this road. The abutting property owners, as they will in all cases, ceded the property to the United States. The Government virtually accepted that cession by making an appropriation to build the road, but it coupled with it the proviso that when the road was built it should not thereafter be a charge on the Government.

Mr. SMITH of Iowa. Does the gentleman say there was any such law as that?

Mr. HULL. I think that was coupled with the appropriation. Mr. SMITH of Iowa. I am compelled to inform the gentleman that there is no such law.

Mr. HULL. I got my information from the gentleman, so I may be mistaken.

Mr. SMITH of Iowa. The gentleman is mistaken as to what information he received.

Mr. HULL. Now, they have built this road once and turned it over to the authorities, and here comes in another proposition. They never even kept it in repair; they did absolutely nothing for the road, and now it is proposed to build the road over again on condition that they will relieve us of any further responsibility. I think the act itself provided we were not to have further expense. The gentleman has the ordinance down there. It is also about all in the city limits of Fort Scott.

Mr. SMITH of Iowa. I will state the facts fully if the gentleman desires it.

Mr. HULL. Of course I want the facts. That is why I reserve the point of order.

Mr. SMITH of Iowa. Mr. Chairman, in compliance with the request of the gentleman from Iowa [Mr. Hull], I will state the facts regarding this road. It was ceded to the Government of the United States and appropriations were made from time to time.

Mr. HULL. Right at that point, it was ceded by those parties owning the abutting property—never by the State.

Mr. SMITH of Iowa. I do not think the cession was made by the property owners alone, because, I do not understand they owned it.

Mr. HULL. Kansas never passed any act on the subject.

Mr. SMITH of Iowa. I don't know that there was an act of the legislature. That was not necessary. There has never been any claim but that this road was properly ceded to the Government of the United States and that appropriations were made from time to time specifically for its improvement. There never was any law containing any such condition as the gentleman has referred to, but I will explain what he has misinterpreted in my conversation upon that subject. It is the fact that after all the appropriations made by Congress had been expended upon this road that an application was made to the War Department for the improvement of this road out of the general appropriation for the repair, etc., of roads at national cemeteries. The Quartermaster-General, upon his own authority and without any direction from Congress, directed an estimate to be made of how much it would require to put the road in good condition. That estimate was made, and exceeded \$5,000. Then the Quartermaster-General stated, in writing, to the authorities of the city of Fort Scott that he would not make the allotment unless the State of Kansas would pass a law authorizing the city of Fort Scott to prohibit heavy traffic on the road and the city of Fort Scott would agree thereafter to keep the road in repair. The city of Fort Scott then, by resolution, agreed that if the Government of the United States would put this road in first-class condition and repair it would then keep the road in repair. Under that, which was not quite in accordance with the demand of the Quartermaster-General, something over \$4,000 and a considerable amount less than the estimate was expended in repairing the road. The Quartermaster-General now reports that the road never was in good condition; that it was defectively constructed; that it had no gutters and was so constructed as to necessarily wash away, and, in effect, therefore reports that the condition in the resolution of the city council of the city of Fort Scott was never complied with. That made a debatable question of the fact as to whether the road was actually put in first-class condition and repair, as provided by this resolution of the city council of Fort Scott. This road, which all belongs to the United States, is about half in the settled portion of Fort Scott and about half not in the settled portion of Fort Scott. Your committee



believed that that portion in the settled portion of Fort Scott ought to be paved like ordinary streets in ordinary cities.

It therefore refused to report an appropriation of \$35,000, the amount necessary to put this road in good condition through its entire length, but reported a recommendation for \$17,500 to be expended on the end of the road nearest the national cemetery and farthest from settlement, but, believing that the growth of Fort Scott would, during the life of this new road, carry it to the gates of the national cemetery, it provided that this appropriation shall not be available unless the city of Fort Scott shall, by a valid ordinance, agree to accept the whole of this road from the Government of the United States as soon as this amount has been expended on the end nearest the cemetery and forever contract to keep the whole of the National avenue in good repair. The committee believed that this was under all the circumstances the best adjustment that could be made of this controversy. The appropriation is surely in order, for it is a Government road. The Government owns title to the land and has built one road over it, and if the gentleman objects to the provision we have incorporated for the cession of this road and the assumption by the city of Fort Scott of a perpetual obligation to keep it in repair, I simply say to him that this condition is the very one he requested us to make in his argument on one of the other national roads. It is a great pleasure to discover we fully agree with him on that subject.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. SMITH of Iowa. Oh, certainly.

The CHAIRMAN. The Chair thinks undoubtedly an appropriation to reconstruct and repair a Government roadway is in order. What is the opinion of the gentleman from Iowa on that part of the first section beginning with the word "and," in line 13, "and when the amount so appropriated has been expended the title to the whole of said roadway, including the portion thus improved and that remaining unimproved, shall pass to the city of Fort Scott for street purposes?" Does the gentleman think that is a limitation upon the appropriation?

Mr. SMITH of Iowa. I think that particular clause makes this section doubtful as to its being in order.

The CHAIRMAN. Does not the gentleman regard that as legislation?

Mr. SMITH of Iowa. But I submit that the gentleman who has reserved the point of order does not wish to compel us to reoffer it without this provision, and it is upon the assumption that we are following the advice of the gentleman that I suggest that he ought not to force the committee to strike out that provision, which he urges us to add to all these appropriations.

Mr. HULL. Mr. Chairman, I reserved the point of order, because I was exceedingly anxious to have as much debate on this provision as we could possibly get. The part of the resolution that is obnoxious to the rule under decisions of the Chair is the part that makes it at least tolerable to me. If we can now get rid of this road on any fair terms, I want to do it. I just want to say one word further—that this debate and this contention emphasizes exactly what I have been standing for for a long time, that whenever you depart from the rule of confining yourself within the grounds owned by the Government you are getting upon a sea without any shore, and under the rulings of the Chair that the mere ceding to the Government an easement of abutting property owners carries with it the rights of building the road by bringing in an appropriation on the sundry civil bill would be time at the next session of Congress for radical action to be taken deeding back, and insisting they take back, what they have already given us. I withdraw the point of order.

Mr. MANN. I renew it. I will reserve the point of order.

The CHAIRMAN. The Chair desires to hear the gentleman from Kansas [Mr. SCOTT] on the point of order.

Mr. SCOTT. Mr. Chairman, it seems to me the question as to whether or not this paragraph is obnoxious to the rule, under the previous rulings of the present occupant of the chair, depends wholly on the question as to the ownership of the road. As the gentleman from Iowa [Mr. SMITH] has already stated, the roadway is at this time and for many years has been Government property. I hold in my hand a letter from the Judge-Advocate-General of the Army, dated January 23, 1906, addressed to myself, in which he makes the following statement:

By ordinance of the mayor and council of Fort Scott, Kans., approved March 15, 1881, that portion of Jones street in said city extending from the "northeast corner of block 2, of Mrs. Stuart's addition," to the "south line of Newkirk & Jaynes's addition" was vacated and discontinued as a street, the ordinance reciting that this action was taken to furnish the right of way for a highway to the national cemetery.

A number of deeds are on file to the portion of the street vacated and to the other portions of the roadway to the cemetery. They describe the lands conveyed thereby by metes and bounds and purport to grant, bargain, and sell the same to the United States, "to have and to hold"

the same "unto the United States forever," except that some of the deeds provide for reversion to the grantors if the United States shall fail to make and maintain a macadam road thereon, and some of them in case of vacation or nonuse by the United States. The conveyance to the lands covered by Jones street include 4 feet on each side of the original width of 72 feet, so as to make the street 80 feet wide.

Upon examination of the deeds on file in this office, it is my opinion that, subject to the conditions as to reversion in the deeds referred to above, it must be held that the United States acquired a fee simple title to the lands described in the deeds.

I may add that under date of April 26, 1881, the Attorney-General reported that these "deeds (thirteen in number) vest in the United States a valid title to the right of way referred to." This is signed by George B. Davis, Judge-Advocate-General.

That would seem to close the question as to the title of the roadway. I recognize that part of the paragraph, as has been suggested, is obnoxious to the rule, and if the point of order is insisted upon, the entire paragraph will go out. In that event I shall ask to be recognized to offer an amendment to restore the paragraph with the obnoxious words eliminated.

The CHAIRMAN. The Chair is clearly of the opinion—

Mr. SMITH of Iowa. A moment, Mr. Chairman. I have some doubt as to whether the gentleman is not willing to withdraw his point of order.

Mr. HULL. I understand the Chair to rule that simply the appropriation would clearly be in order and the legislative provision is the part that is at issue?

The CHAIRMAN. If the Chair may be pardoned for ruling at this time, I would state that that part of this section running down to the word "sum," in line 13, is entirely in order, but that the other part is clearly legislation. The Chair would sustain the point of order to the whole paragraph.

Mr. SMITH of Iowa. The gentleman is about to withdraw his point of order.

Mr. MANN. The item in the bill, which, of course, is clearly subject to the point of order, while it contains the legislative provision, provides that after this appropriation the street shall pass to the city of Fort Scott for street purposes. Now, I ask the gentleman from Iowa [Mr. SMITH] whether in his opinion a provision of that sort in a bill will actually pass the title of the United States to land to somebody else?

Mr. SMITH of Iowa. I do not think it would except as accompanied with the other language here, that it must be formally accepted by the city of Fort Scott. I do not think that a Congress ceding property to anybody transfers the title if that party accepts it, and before any money is expended it must be accepted by a valid ordinance.

Mr. MANN. It may be possible, although there is no provision here for the making of a deed or the giving of a patent. It may be possible that the Government can by an incidental provision of the bill pass title to real estate. I do not think it ever has been done before, and I doubt whether the gentleman himself would be willing to take title acquired in that way—but if it is a sufficient passing of title to hang a ruling of the Chair heretofore that the title is not in the Government, I will be perfectly satisfied. But I do not want to be buncoed. I know the gentleman does not want to bunco us.

Mr. SMITH of Iowa. We do not want to bunco the gentleman.

Mr. MANN. I do not want to be buncoed by an incidental provision in the bill purporting to pass title to real estate which the gentleman himself as a lawyer would not contemplate making for a moment.

Mr. SMITH of Iowa. I do not claim, Mr. Chairman, to be a very good lawyer, but I would not hesitate for a moment to accept anything I could get under the express cession by act of Congress, without any patent whatever.

The CHAIRMAN. The Chair understands the gentleman from Illinois has withdrawn his point of order?

Mr. MANN. Under the circumstances, Mr. Chairman, for the purpose of getting rid of the title to the land, so that no appropriation hereafter will be in order for an improvement, if that is the construction to be put upon it, so far as I am concerned, I withdraw the point of order.

The CHAIRMAN. Does the Chair understand the gentleman from Arkansas [Mr. MACON] to withdraw the point of order?

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

National cemetery, Greenville, Tenn.: For the construction of a superintendent's lodge, roadways, walks, etc., within the tract of land known as "Monument Hill," near Greenville, Tenn., and inclosing walls and approaches thereto, \$32,000.

Mr. GARDNER of Michigan. Mr. Chairman, I want to call the attention of the House to this provision. It is proposed to build a wall around 15 acres of land dedicated by one of the heirs of Andrew Johnson for a national cemetery, and in which plot of ground Andrew Johnson and two of his sons lie buried. It is proposed to expend \$32,000 for that purpose. That is not all. They are to build a lodge, to cost \$6,000; walls and gates,

\$20,000; roads in cemetery, \$2,000; roads, with approach to cemetery, \$2,000; walks and steps in the cemetery, \$1,000; drainage, \$1,000; total, \$32,000. But that is not all. I read from the hearings:

Mr. SMITH. Does this have in contemplation also, Captain, the establishment of a superintendent there? Do you have superintendents at fourth-class cemeteries?

Captain PARKER. Yes, sir; at a salary of \$60 a month.

Mr. SMITH. And quarters?

Captain PARKER. Yes; quarters and fuel.

Mr. SMITH. Have we done this for any other President of the United States?

Captain PARKER. I do not know, sir.

Now, what is the real situation? It is to put a wall around a 15-acre inclosure containing the remains of Andrew Johnson and two sons, and nobody else. To call it a national cemetery, and build a lodge costing \$6,000, and put a man in there perpetually at a salary is an uncalled-for piece of extravagance, and I therefore move to strike out that proposition from the bill—the whole paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 132, beginning with line 4, strike out down to and including line 8, for national cemetery, Greeneville, Tenn.

Mr. TAWNEY. Mr. Chairman, I wish to say a word in opposition to the amendment offered by the gentleman from Michigan. This cemetery was created by authority of Congress, which authority was carried in the Army appropriation bill of last session of Congress, approved June 12, 1906.

The CHAIRMAN. The Chair does not understand the gentleman to raise the point of order?

Mr. TAWNEY. No. It came into the Army appropriation bill from the Committee on Military Affairs, in answer to the gentleman from New Jersey, and was reported in that bill for the support of the Army—

Mr. PARKER. Did it not come to the committee as a Senate amendment?

Mr. TAWNEY (continuing). In the act approved June 12, 1906.

Mr. PARKER. We never reported it.

Mr. TAWNEY (continuing). It is therefore a national cemetery established by law.

Mr. GARDNER of Michigan. May I interrupt the gentleman a moment? It is a national cemetery and not a solitary soldier in it.

Mr. TAWNEY. I am not accountable for that; I hope that not one will ever be buried in it, so far as that is concerned; but it is Government property, and whatever purpose it may be dedicated to, it is described as a national cemetery, and it is entitled to the same consideration that we are giving to other cemeteries of like character—cemeteries that are dedicated for the same purpose, and we must preserve this property. Now, in order to do that, the War Department have recommended this appropriation as being necessary to preserve the property belonging to the Government, which we have accepted, and for that reason the Committee on Appropriations recommend it. I hope that the paragraph will remain in the bill.

Mr. CRUMPACKER. Is it necessary to build this wall around this 15-acre tract of land and provide for a perpetual guard there?

Mr. SMITH of Iowa. In answer to part of that question I will state that the law makes it a fourth-class cemetery, with a superintendent at \$60 a month, without any reference to this bill, and gives him a house and fuel.

Mr. CRUMPACKER. And already provided?

Mr. SMITH of Iowa. At the last session of Congress.

Mr. HULL. It is provided by law and made a fourth-class cemetery.

Mr. SMITH of Iowa. And the superintendent is there to-day.

Mr. CRUMPACKER. And gives him a house?

Mr. SMITH of Iowa. And a residence, the same as given in every other national cemetery.

Mr. BROWNLOW. Mr. Chairman, I want to say in regard to the speech of my colleague on the committee [Mr. GARDNER of Michigan], who says that there is not a soldier buried in this cemetery—

Mr. GARDNER of Michigan. If the gentleman will permit me, I stated that there were two sons or sons-in-law of Andrew Johnson, who served in the Army, who are buried there, but no soldier from the neighborhood. They are not seeking to be buried there. My understanding is that the posts own their own cemeteries there, and their dead are buried in those cemeteries from preference over this one.

Mr. BROWNLOW. Now, the gentleman does not mean to misrepresent the facts. I believe that he means to do my constituents absolute and exact justice; but he does not state the facts, and he does not come within gunshot of the truth of the situation. This was made a national cemetery by act of both Houses of Congress, receiving the signature of the President of the United States. There are no cemeteries connected with the posts in that section of country. The First Congressional district of Tennessee furnished more soldiers to the Union service during the dark days of the rebellion than any Congressional district in the United States; and yet we were 100 miles inside the Confederate lines. There is no national cemetery, gentlemen of the House of Representatives, within 75 miles west of the point where this cemetery is established. Culpeper, Va., over 300 miles to the east, is the nearest. The north and south can not be reached from that district.

Oh, Mr. Chairman, when these soldiers left eastern Tennessee they were followed by bloodhounds. They bid their wives, their daughters, and their sweethearts good-by by moonlight at the old home spring and went across the mountains into Kentucky and joined the Union Army. When they went, Mr. Chairman, they did not go, as did the men in the North, for thirty, sixty, or ninety days, but they went with the full understanding that they could never return to their families and their homes unless the cause that they espoused was successful.

Ex-President Johnson was a Democrat. He was a member of the United States Senate from Tennessee, and was the only Senator of his party, North or South, that stood by Abraham Lincoln in favor of the old flag and a united country.

And yet, here from this northern section of the country, comes the opposition to doing honor to these people of the mountains who were loyal to the cause of the Union and the old flag. Andrew Johnson was surrounded and supported by the votes of the State rights secession democracy of the South, yet he went with the cause of the Union, stood by the Government, stood by Abraham Lincoln, and I have asserted heretofore, and I reassert, that taking his surroundings and his acts and comparing them, I believe he was the greatest patriot of the civil war. [Applause.] Brownlow, Nelson, and Maynard stood shoulder to shoulder with Johnson, but they had made their fight for the Union, the Constitution, and the enforcement of the laws under the leadership of John Bell, of Tennessee, and Edward Everett, of Massachusetts. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the gentleman may be allowed to proceed without limit.

Mr. GARDNER of Michigan. Mr. Chairman, I hope the House will not be diverted from the line of duty—

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. BROWNLOW] have fifteen minutes.

The CHAIRMAN. The gentleman from Michigan has been recognized and has begun his remarks.

Mr. GARDNER of Michigan. If the gentleman from Tennessee will occupy more time, I shall be glad to yield to him. If we have done nothing else, we have succeeded in eliciting an excellent speech from a gentleman whose voice is rarely heard on the floor of the House, and certainly no man who loves his country can withhold assent to the splendid eulogy he has delivered to the patriots of East Tennessee. But, gentlemen, do not let us lose sight of this fact, that a descendant of Andrew Johnson has dedicated to the Government 15 acres of ground, where his ancestor lies buried with two of his kinsmen. No soldier save his kinsmen is buried there, but it is proposed to put a perpetual charge upon the Government, not in taking care of the grounds, but in building a lodge and keeping a man there at continual expense and found. Do we want to do that as a business proposition?

Mr. GAINES of Tennessee. Is the gentleman's opposition to the appropriation based upon the ground that there are no Federal soldiers buried there?

Mr. GARDNER of Michigan. No, sir; my opposition to the proposition is that it is in a sense a private enterprise on the part of the descendants of Andrew Johnson to have his grave cared for and to establish there a national cemetery for which there is at this time no necessity. On this theory you can establish a national cemetery in every township in the Northern States that sent men to the war.

Mr. GAINES of Tennessee. There never was but one Andrew Johnson and never will be.

Mr. GARDNER of Michigan. What has that to do with the situation?

Mr. GAINES of Tennessee. You said they could establish a national cemetery in every township. I say there never was but



one Andrew Johnson and never will be. I wish there were 3,000,000 like him.

Mr. GARDNER of Michigan. I stood by the grave of Andrew Jackson, and it did not have any wall about it.

Mr. GAINES of Tennessee. Oh, yes; there is an iron fence, and Senator Bate had it put around his grave when he was governor.

Mr. GARDNER of Michigan. When I was there trying, in a very inconspicuous way, to save the Union over which Andrew Jackson presided, there was no wall around it nor any lodge house, save the near by late home of the old hero.

Mr. GAINES of Tennessee. There is an iron fence there now that the gentleman could not jump over. I do not know how long it has been there. But we are preserving his grave, and we are going to continue to preserve it.

Mr. GARDNER of Michigan. But I want to say to the gentleman that it is not for Andrew Johnson; it is for the national cemetery in the bill.

Mr. GAINES of Tennessee. That is why I am going to vote for it. It is a public cemetery for the Federal soldiers.

Mr. BROWNLOW. Will the gentleman from Michigan yield to me?

Mr. GARDNER of Michigan. Certainly.

Mr. BROWNLOW. The gentleman says this is not a national cemetery, but that it is put there for the purpose of taking care of the grave of ex-President Andrew Johnson. Now, that is wide of the mark. This is in the center of a Congressional district that furnished more Union soldiers to the Army of the National Government during the civil war than any other in the United States, and yet we were 100 miles within the Confederate lines, and the Grand Army posts throughout the district have unanimously indorsed it as a national cemetery where their members may be buried when they die.

Mr. CHARLES B. LANDIS. Is it true that there are only three bodies buried in this cemetery?

Mr. BROWNLOW. There are only four soldiers buried there, but there has been no opportunity. It has just been made a national cemetery and is now open for that purpose. Prior to this it was a private burying ground. It is the only place where the soldiers of that Congressional district have an opportunity to be buried.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman from Michigan may proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Michigan may proceed for five minutes. Is there objection?

There was no objection.

Mr. GARDNER of Michigan. Does the gentleman from Tennessee wish to ask a question?

Mr. GAINES of Tennessee. No; I just want to listen to the gentleman. [Laughter.]

Mr. GARDNER of Michigan. That is very kind of the gentleman. Now, gentlemen, do not be swept off your feet in favor of this appeal from patriotic East Tennessee. There is no necessity for this national cemetery and it never would have been established except for this being the burial place of an ex-President of the United States. Now, why should we build a lodge and keep a man there for hundreds of years, it may be perpetually, extending the care for this little patch of ground in the meantime waiting for some one to be buried there who once served this country in war.

Mr. GAINES of Tennessee. Did the gentleman from Michigan ever see that beautiful spot in Greenville where Andrew Johnson is buried?

Mr. GARDNER of Michigan. No.

Mr. GAINES of Tennessee. Now, I understand it is 300 miles from Nashville. Does the gentleman want to bring the soldiers who die in East Tennessee 300 miles to Nashville and bury them in that beautiful national cemetery? There are thousands of Union soldiers who die in East Tennessee who are poor people, and they ought to have a place near by where their neighbors can properly bury them.

Mr. GARDNER of Michigan. I understand this is a question—

Mr. GAINES of Tennessee. No; but we will give the gentleman more time.

Mr. PAYNE. I would like to ask the gentleman from Michigan a question. Is there any national cemetery in New York or Massachusetts?

Mr. GARDNER of Michigan. No; nor in the State of Michigan.

Mr. GAINES of Tennessee. We can't help that; you didn't

furnish enough soldiers in the civil war to make one. [Great laughter.]

Mr. GARDNER of Michigan. I will say to the gentleman that we furnished the soldiers and you people made necessary the cemeteries. [Laughter.]

Mr. GAINES of Tennessee. I am glad that there is no necessity for any more, but I think there is plenty of necessity for this.

Mr. POWERS rose.

Mr. GARDNER of Michigan. I will yield to the gentleman.

Mr. POWERS. I want to ask a question in the nature of a suggestion. Is it not a fact that more than three-quarters, if not nine-tenths, of the old soldiers prefer to be buried in burying grounds where their wives and fathers and children are buried rather than be carried off to a national cemetery?

Mr. GARDNER of Michigan. I certainly think so.

Mr. GAINES of Tennessee. The people in this part of the country have not that high privilege of being buried in Government burying grounds close by Andrew Johnson, who stood for the Union and the flag, and I know it, for I have heard the old men in my country say so, and I have great respect for his ability and courage.

Mr. GARDNER of Michigan. There are but three national cemeteries, as I recall them, in Tennessee: Chattanooga, where there are 13,000 Union soldiers buried, a large percentage of them killed in battle or died from wounds received in action; the cemetery at Stone River, where 6,000 battle soldiers lie buried who died on the field, and the other one at Shiloh. You might provide a hundred national cemeteries in Tennessee and you would find places where heroes might be buried; but is it policy? You can provide twenty cemeteries in Michigan and fill every one of them like this with heroic men just as brave, just as patriotic as the gentlemen who enlisted from Tennessee.

Mr. GAINES of Tennessee. I suppose the soldiers that die in Michigan would like to be buried near their homes.

Mr. MANN. But not in national cemeteries.

Mr. GAINES of Tennessee. Of course they do, and there was a widow of a soldier came to me not long ago and asked me if she could have her remains and those of her mother buried by the side of her husband.

Mr. MANN. We do not bury them in national cemeteries, and we do not have the national cemeteries in the North in which to bury them.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and pending amendments be closed in five minutes.

The motion was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, the debate which has gone on on this provision is just one year too late. The Committee on Military Affairs reported to this House a bill to make of this ground a national cemetery. Finally the substance of that bill was put upon the Army appropriation bill a year ago, and it reads as follows:

That the Secretary of War is hereby authorized to accept under the will of Margaret J. Patterson and from the heirs of W. P. Bachman, all descendants of Andrew Johnson, late President of the United States, free of cost to the Government, the tract of land where said Andrew Johnson's remains now lie, known as "Monument Hill," containing not exceeding 15 acres, and situated in Greene County and in or near the town of Greenville, Tenn., and upon presentation of good and perfect title to said tract of land the Secretary of War is authorized and directed to establish thereon a national cemetery of the fourth class.

Mr. PARKER. Will the gentleman yield for a question right there?

Mr. SMITH of Iowa. Certainly.

Mr. PARKER. Was not that a Senate amendment, No. 6, which came in only in conference and which never passed the Committee on Military Affairs of the House?

Mr. SMITH of Iowa. That was put on as a Senate amendment, it is true, but a similar bill had been reported by the House Committee on Military Affairs before that time. Then was the time for Congress to discover if we did not need a national cemetery down there. When that law passed it fixed a character upon this land, and under existing law the perpetual expense of maintaining a superintendent was imposed upon the Government of the United States. Those superintendents of national cemeteries are entitled to quarters and to fuel, and all these things are imposed upon the Government, not by the proposition now before the House, but by the law solemnly enacted a year ago. Then is when these gentlemen ought to have discovered that we did not need a national cemetery down there. I

do not think it was a wise law, but it has been enacted, and the law gives a superintendent to this national cemetery and he is entitled to quarters in which to dwell, and we ought now to erect about this cemetery the same kind of a wall erected around all the other national cemeteries. I care nothing for the suggestion that up to date we have only got four Union soldiers buried in this ground. It is dedicated to that purpose, and I for one am not anxious to have Union soldiers die in order to fill this cemetery. I am prepared now to execute the law solemnly enacted a year ago, and fit this property for national cemetery purposes. But I want to expressly repudiate the proposition that the recommendation of this committee is what forces upon the Government the perpetual maintenance of a superintendent of the cemetery, with fuel and quarters at the expense of the Government. We are simply executing the law passed a year ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and the amendment was rejected.

Mr. EDWARDS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 8, on page 138, add:

"For enlargement of national cemetery at Millsprings, Ky., by acquiring land adjoining thereto, and for repairing roadway to Somerset, Ky., \$25,000: *Provided*, That the city of Somerset deed to the United States, free of charge, 4 acres of land for said purposes."

Mr. TAWNEY. Mr. Chairman, I make the point of order on that.

Mr. EDWARDS. I will ask the gentleman to reserve his point of order.

Mr. TAWNEY. I will reserve the point of order, but I desire to state to the gentleman from Kentucky that at the conclusion of his remarks, in five minutes, I shall insist on the point of order so that we may go on.

Mr. EDWARDS. Mr. Chairman, I am very thankful to the gentleman from Minnesota for the five minutes, and I do not understand why he should give notice that he will insist at the end of the five minutes on the point of order. It certainly can not be because I have been taking the time of the House on this subject. I would like to have the attention of the chairman of the committee and of the Committee of the Whole to this proposition. Mill Springs National Cemetery, located near the banks of the Cumberland River, in Pulaski County, Ky., has buried within its boundaries more than 700 Union soldiers, many of them from the immediate country round about and many of them from other States north of the Ohio River. The road which runs from the national cemetery to the city of Somerset is not upon Government ground. Therefore I suppose, under the ruling of the Chair and the rules of this committee, it would be subject to a point of order. But while it is not Government ground to-day, Mr. Chairman, in its dark days of 1861 to 1865 it was Government land, devoted to the flag, and was fought over, every inch of it. [Applause.]

The Congress of the United States has built roads to and from national cemeteries all over this country, except from Mill Springs to Somerset. The State of Kentucky has other national cemeteries, but, fortunately, they are located near railroad stations and do not need roads to make them accessible. A bill was favorably reported by the Committee on Military Affairs and would have passed this House some eight or ten years ago, appropriating \$25,000 to build this road, but for the objection of a Member to unanimous consent, and I have a bill now pending before the Committee on Military Affairs asking for this appropriation. But, Mr. Chairman, I am informed by the chairman of this committee that the policy of the House at present and during the last few years is not to build roads except on Government reservations or where the Government owns the land, and I am not criticising that great committee nor its very able chairman, and I am confident if it were not for this fact that my bill would be favorably reported by a unanimous vote of that committee. You have appropriated to-day the sum of \$32,000 for completing the construction of the Government roadway to Barrancas, Florida, National Cemetery, near Pensacola, and \$17,500 for reconstructing and repairing the Government roadway to Fort Scott, Kans., National Cemetery, and I submit that neither of them is continuously over Government property, but simply have been ceded to the Government for the purposes of a road. I am asking for an appropriation of \$25,000 for the purpose of enlarging and improving Mill Springs Cemetery and completing a roadway to Somerset, which road has never cost the Government one dollar and we guarantee never will, beyond this appropriation, while the roads from Pensacola and Fort Scott to the near-by cemeteries have been heretofore built by the Government at an expense of thousands of dollars.

Mr. Chairman, I am not complaining that other national cemeteries have been cared for and good roads built by the Government to their nearest railroad stations, but is it just to the memory of the patriotic dead who sleep at Mill Springs or fair to their friends who survive them that they must very often encounter bad roads on their visits there, while the grounds and connecting roads have been made beautiful by a grateful Government at Culpeper, Arlington, Vicksburg, Pensacola, Fort Scott, Knoxville, Springfield, and many other places and almost in every other State of the Union?

I offer in this proposition 4 acres of land free to the Government to enlarge this national cemetery, which is very much needed, and I will also offer the county road, which is a very good dirt road, upon which the Government can build its road, and I am willing to put in that the county of Pulaski will keep up this road in the future. The State of Kentucky has never had a dollar spent by the National Government for the building of roads to her national cemeteries.

I congratulate the gentleman from Tennessee [Mr. BROWNLOW] on his splendid tribute to the loyalty of the people of that great State and to the memory of one of her noblest sons, Andrew Johnson. But, Mr. Chairman, when it comes to the question of loyalty, of pure devotion to Government, both now and in the days of secession, southeastern Kentucky and the nineteen counties of the Eleventh district will yield to no other spot under the shining sun, not even to eastern Tennessee. [Applause.]

The county of Pulaski, in which Mill Springs Cemetery is situated, has to-day more than 600 Federal soldiers within her borders, more than 250 Spanish-American soldiers, with probably a dozen Mexican war soldiers, and the widow of a soldier of the war of 1812. I challenge any district to show a county with a better record for loyalty than the county of Pulaski.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to ask the gentleman a question, and that is how large this cemetery is at this place—how many acres?

Mr. EDWARDS. My recollection is 3 acres.

Mr. GARDNER of Michigan. How many are buried there now?

Mr. EDWARDS. Seven hundred and twenty-one is my best recollection, and there is no room to accommodate people when they come from a distance to go there and visit the graves, as it is covered over with graves to a large extent. People gather there from adjoining counties on Decoration Day, and there is not sufficient room and shade for this purpose.

Mr. CRUMPACKER. May I ask the gentleman are these 721 buried there veterans of the civil war?

Mr. EDWARDS. Yes, sir; they are all veterans—Union soldiers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. EDWARDS. Mr. Chairman, when I was interrupted by the gentleman from Michigan [Mr. GARDNER] I was calling the attention of the House to what I consider, under all the circumstances, the unparalleled loyalty and patriotism of the people of the district which I have the honor to represent. Why, sir, some of these counties furnished more soldiers to the Union Army than there were voters in the county when Fort Sumter was fired upon. A district that has furnished such soldiers as Col. Frank Woolford, Col. Silas Adams, and Col. D. G. Colson, all of whom have represented that great district in this body, and Colonel Colson having resigned a seat in this body to become colonel of the Fourth Kentucky Regiment in the Spanish-American war, will, I have no doubt, make much stronger appeal to the Members in this Chamber on both sides than anything I may say, and if my amendment can come to a vote upon its merits, I have no fears of the result.

At the battle of Mill Springs the great general of the South, General Zollicoffer, was killed. It is a most historic place. As I have said, it is the only national cemetery in that part of the country. It is near the Cumberland River and is in line of Kentucky mountains where the line of battle ranged upward to Cumberland Gap. This battle was fought, I believe, on the 19th day of January, 1862, and was the first decisive battle fought in that memorable war of 1861-65. General Zollicoffer was killed and his forces were driven back into Tennessee, and thereby the Union forces were encouraged and the Confederate forces were demoralized and discouraged. The defeat of the Confederate forces at Wildcat, October, 1861, in Laurel County, Ky., and the decisive battle of Mill Springs the following January, together with the unswerving loyalty of the mountain



people, undoubtedly saved Kentucky to the Union and was no small factor in the real turning point in favor of the Union cause in that great struggle.

Kentucky pays more revenue into the National Treasury than any other State of the Union, save two, and yet she receives fewer appropriations, and I can not see why any gentleman who has permitted these appropriations in the past should say that because this bill failed to receive consideration ten years ago, when it was in order, when the policy of this House was to build these roads, because it failed simply by a mere objection and not by a vote on the merits, that it should now be set aside and Mill Springs Cemetery should be left out of the care of the Government. I thank the committee and hope the gentleman will withdraw his point of order. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I would like to ask unanimous consent to speak for two or three minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Mr. Chairman, I want to say a word in confirmation of everything the gentleman from Kentucky has said in regard to the cemetery and the importance of the battle of which he speaks. It is an entirely different case from the one at Monument Hill, in Tennessee. Mill Springs was one of the decisive engagements in the early part of the war, and the men who made that engagement decisive lie buried in Kentucky, and if the cemetery needs to be enlarged I hope it may be. No men ever gave their lives a sacrifice that yielded more in proportion to the number for the preservation of this Government than the men who fought under Thomas and gained this his first great victory at Mill Springs, early in the year 1862. [Applause.]

Mr. TAWNEY. Mr. Chairman, that part of the amendment which provides for the construction of a road is clearly out of order and contrary to the precedents of Congress, and I shall have to insist upon my point of order as to that part of the amendment at this time.

The CHAIRMAN. The Chair sustains the point of order.

Mr. EDWARDS. Mr. Chairman, I renew the amendment, if I can, and ask that the language referring to the road be dropped, and that the amount be made \$12,500 instead of \$25,000, and ask that it be submitted in that way.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 8, on page 137, add:  
"For enlargement of national cemetery and improvement of the same, at Mill Springs, Ky., by acquiring land adjoining thereto, \$12,500."

Mr. TAWNEY. Now, Mr. Chairman, that is not obnoxious to the rule, because the cemetery has been by authority of law.

Mr. EDWARDS. If the gentleman will pardon me, I think the proviso ought to go in there.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, The city of Somerset deeds to the United States free of charge 4 acres of land for that purpose.

Mr. MACON. Mr. Chairman, I reserve the point of order on the proposition.

The CHAIRMAN. Does the gentleman from Arkansas reserve the point of order?

Mr. MACON. Yes, sir.

Mr. EDWARDS. Mr. Chairman, I would like to have it reported again, please.

The Clerk again reported the amendment.

The CHAIRMAN. Does the gentleman from Arkansas reserve the point of order?

Mr. EDWARDS. Mr. Chairman, I do not care to discuss the point of order. I do not think it is subject to a point of order.

Mr. MACON. Mr. Chairman, I would like to ask the gentleman a question or two. How much land is it proposed to purchase with this \$12,500?

Mr. EDWARDS. We do not propose to purchase any land. It is proposed that that should be donated.

Mr. MACON. Then, what is the purpose of this appropriation?

Mr. EDWARDS. For further improving this land and national cemetery already there.

Mr. MACON. In what way will you have it improved?

Mr. EDWARDS. There will have to be plants, and it will have to be graded and sodded and lotted, and it will have to have a keeper and lodge house—in the same way that national cemeteries are generally improved.

Mr. MACON. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. EDWARDS].

The question was taken; and the amendment was agreed to. The Clerk read as follows:

National cemetery, Knoxville, Tenn.: For laying sidewalks along the roadway leading to the national cemetery, Knoxville, Tenn., \$1,500.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 133, in line 10, strike out the words "along the roadway leading to" and insert in lieu thereof the words "on Holston and Munson streets around."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, \$1,250,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 137, after line 25, insert:

"For the reconstruction on land owned by the United States of the military prison in San Francisco Harbor, \$50,000; the cost of which, when complete, shall not exceed \$250,000; the sum hereby appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution."

Mr. HULL. Before that is considered I want to recur to the paragraph just read. I move to strike out the last word. Now, Mr. Chairman, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if he does not believe there should be some addition to this provision for the erection of batteries and quarters at seacoast-defense places. In other words, is this not a very large cut from the amount that was requested by the Department for the purpose of caring for what is called the "Coast Artillery." My recollection is that when the artillery bill was passed increasing the force they wanted \$1,373,000 for the smaller buildings and some six or seven hundred thousand for the larger buildings. I do not understand that in this provision there is any limitation as to the size of buildings, but that it is intended to cover all the buildings for the Seacoast Artillery, both what has been carried in the Army bill and the sundry civil bill. If that is true, it seems to me the chairman of the committee ought to be willing to increase the amount to at least \$1,500,000 in order to cover more nearly the requirements of the Department.

Mr. TAWNEY. I will say, in answer to the gentleman, the law, as he well knows, limits the amount to be expended per man up to eighty men in the construction. That is the limitation. There is a general limitation in the statute beyond which they can not go in the construction of barracks.

Now, as to the other proposition, as to whether or not this is sufficient to meet the requirements of the service in consequence of the increased number of the Seacoast Artillery authorized in the recent act, it may be that it is not, and it is not supposed to be sufficient to finally accommodate and to build barracks that will accommodate all the men that are authorized in that act. But it was supposed by the committee that this would give them all the money that could be expended during the next fiscal year and enough to enable them to build all the barracks that they will need to accommodate the additional men which they can enlist into the service during the next fiscal year. That is the reason we do not carry any more at this time. It is not thought by the committee that this will entirely meet the requirements of the service.

Mr. HULL. The gentleman, of course, is familiar with the proposition of the artillery branch of the service to concentrate, as they claim, for better administration, for more economic administration, certain scopes of batteries at one centralized place, where they have to go to the different batteries at different places, in place of having them in the quarters built at the place where the batteries are constructed. I think that the understanding was that they expected to complete the north coast, from Maine down along the Atlantic coast as far as Baltimore, this year.

Mr. TAWNEY. That is contemplated, I will say; but it is conceded that it was not probable that really they would be able to accomplish that during the next fiscal year; and it was for that reason that we gave the amount we did. We gave with the view of giving them all they could expend during the year. We were informed fully as to the purpose of the Department desiring to concentrate the artillery in certain places on the Atlantic coast, but the construction can not all take

place at the same time. There will be more or less delay, and we thought, in giving them this amount, that we were giving all that they could expend during the next fiscal year.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TAWNEY. I ask unanimous consent that his time may be extended.

There was no objection.

Mr. HULL. I would like to get an understanding of this.

Mr. TAWNEY. The recommendation of the committee is based upon the fact that in the judgment of the committee, which is based upon the testimony, this is about all they could expend during the next fiscal year. And I will say to the gentleman from Iowa that, inasmuch as this is a new plan of construction, we thought, inasmuch as Congress would be in session next December, that if more money were needed to carry on the work, the House could take care of it during the remainder of the next fiscal year; that we could then appropriate for it, and appropriate more intelligently, as we would have more accurate knowledge of the actual needs of the Department than we can now. In fact, the evidence before the committee as to the necessities were somewhat hazy, because they were not absolutely certain as to what the cost would be. We thought this would accommodate them until next December, and then we could, when they have worked out their plan more fully, appropriate more intelligently.

Mr. HULL. Now, in one instance you use the language "in the judgment of the Secretary of War," and in the other you leave it out. I understand the only object of inserting that in the first proposition is to overcome the limit of law as to the amount that can be expended in any one building to \$20,000, and when you leave it out in the other you limit all other buildings to less than \$20,000.

Mr. TAWNEY. No; in omitting it in the last we leave the language as it is now in the statute, leaving the other to correspond with the act approved June 6, 1900, which reads as follows:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, \$1,000,000: *Provided*, That for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than \$1,200 per man for each man required for one relief to man the guns at the post up to eighty-three men, the present permanent strength of a battery, enlisted and commissioned, and for each man required beyond this number \$600 per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.

Now, that limitation absolutely controls the expenditure of appropriation under the last paragraph, appropriating \$1,250,000.

Mr. HULL. They could expend whatever was necessary in the erection of a building.

Mr. TAWNEY. Under this limitation?

Mr. HULL. Suppose they have a camp at Baltimore and they propose to put up barracks and quarters for the men and that carries with it an administration building. That would cost a great deal more than \$20,000. Where there is a large number of batteries it would require a more expensive building than \$50,000.

Mr. TAWNEY. That is all covered by the limitation.

Mr. HULL. Your limitation is based on the barracks and quarters, but would it cover the proposition of all buildings at the posts? Is not that limitation this: That all the buildings at the post, including the administration building and quarters, shall not in the aggregate exceed so much?

Mr. TAWNEY. I will say to the gentleman that if the limitation carried in the sundry civil act approved June 6, 1900, will not operate to limit the amount spent on the administration building, then the other limitation, without this provision, the discretion of the Secretary, would limit the cost to \$20,000.

Mr. HULL. Under your provision here they have held that when you say "in the discretion of the Secretary of War" you are giving him entire power over the size of the buildings.

Mr. TAWNEY. I think that is the rule.

Mr. HULL. The difference between the Army bill and this bill has been the insertion of those words in your bill and the omission of them in the Army bill. The question is whether the elimination of the words in regard to the artillery men not work so that when you erect the buildings for your men the limitation of so much to a man you might be unable to—

Mr. TAWNEY. To build the administration building beyond a cost of \$20,000. There was no evidence before the committee as to the necessity or desire of the Department to construct any buildings of that character; therefore the committee thought it

wise to allow the limitation which is now fixed by statute to apply.

Mr. HULL. I want to say to the gentleman that this scheme will carry with it an administration building.

Mr. TAWNEY. That may be.

Mr. HULL. The gentleman is not willing to concede that the amount should be increased?

Mr. TAWNEY. I am not. I think they will have enough for the fiscal year.

Mr. HULL. Mr. Chairman, I withdraw the pro forma amendment.

Mr. TAWNEY. Now, Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

Mr. WALDO. Mr. Chairman, I reserve the right to offer an amendment to this paragraph.

Mr. TAWNEY. Will the Chair have the amendment reported again?

The CHAIRMAN. The gentleman from Minnesota offers a new section, which the Clerk will report.

The Clerk read as follows:

On page 137, line 25, insert: "For the reconstruction on land owned by the United States in the military prison in San Francisco Harbor, \$50,000; the cost of which, when completed, shall not exceed \$250,000; the sum hereby appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution."

The amendment was considered and agreed to.

Mr. WALDO. Now, Mr. Chairman, I desire to offer an amendment as an addition to the paragraph ending at line 25, on page 137.

The Clerk read as follows:

Page 137, after line 25, insert: "For the purchase of a site for the increase of the fortifications and for the enlargement of seacoast defense at New York Harbor, \$1,000,000."

Mr. TAWNEY. To that I reserve a point of order.

Mr. WALDO. Mr. Chairman, I desire to call the attention of the House to the fact that notwithstanding the heavy force that exists in the harbor of New York, the city of New York is practically defenseless against bombardment by a foreign fleet. This is a matter which the Chief of Artillery in the War Department has had under consideration for several years, particularly since the construction of Ambrose Channel has been under way, which increases the danger to the city.

Running from the entrance to the lower bay is a large body of very deep water, leading up to the eastern end of Manhattan Beach, about 5 or 6 miles from the fortifications at Sandy Hook. From this point a fleet would be within a mile of the shore, and could bombard practically all of Brooklyn, and would then be within 10 miles of the lower part of Manhattan, which could be reached at the same time. The only guns of the fortifications that could reach this fleet at all would be those at Sandy Hook, which would be between 5 and 6 miles away, and at night it would be practically impossible to reach effectively any fleet that was in this body of water off Manhattan Beach. The guns of such a fleet would be in the rear of the fortifications at Fort Hamilton, so that those fortifications could be shelled from the rear, and their guns could not reach the fleet in any way. Neither could the great fortifications at Fort Wadsworth reach this fleet effectively. It would be too far away, and more than that, they would have to shoot over Coney Island, and the buildings there would obscure any view of the whereabouts of the vessels.

There is another reason why this ought to be done, and that is that the Ambrose channel, which is now about completed, 35 feet deep and 1,000 feet wide, would be open, and there is no system of fortifications there to protect mine defenses in that channel. The War Department informed me that it would be practically impossible to protect mine defenses in Ambrose channel until the very end of the channel, where it ended at the Narrows. With fortifications at Nortons Point or some point on the south side of Coney Island, such a mine defense could be protected and the entrance of a hostile fleet into the harbor stopped.

Now, I understand that the Appropriations Committee have refused to consider this, and that the War Department has considered that it would be too expensive a project to induce Congress to undertake. The total cost of such a project would be between two and three million dollars. If a foreign fleet should come into these waters, they could, with practical safety to themselves, drop a few shells into Manhattan and Brooklyn and levy a tribute of \$50,000,000 or \$100,000,000. It would not take them more than a few minutes to do that; and I feel that while the greatest city in America is practically defenseless from such attacks, and is so considered by the military authorities of this country, something ought to be done. I offer this amendment as only a small beginning of what ought to be done at this time.



Mr. SMITH of Iowa. Mr. Chairman, at the last session of Congress there was an estimate for additional land at Fort Hamilton.

Mr. WALDO. This has nothing to do with the improvements at Fort Hamilton, but is for a fortification farther down the harbor, on Coney Island, which the military authorities inform me is absolutely necessary for the protection of the city.

Mr. SMITH of Iowa. Why have they not so informed Congress?

Mr. WALDO. I talked with them about this and they stated that they believed it would cost so much money that there was no use in presenting it to the Appropriations Committee. But I, as a resident and Representative of the great State of New York, believe it ought to be called to the attention of Congress here, even if the Department will not present it.

Mr. TAWNEY. I make the point of order.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. FITZGERALD. I hope the gentleman will withhold it for a moment. Mr. Chairman, I simply wish to say about this matter that there has been no estimate for the acquisition of these sites. It is for the acquisition of sites at Nortons Point, in the city of New York. I do not know upon what the officials of the War Department base the statement that it would be futile to submit this question to the Committee on Appropriations because the committee would not consider it on account of the cost. My experience as a member of the committee has been that the committee is ready to appropriate for the defenses of the country whatever sums are required for the defenses that are imperative to protect great cities and the seacoast. If the sites be essential as a part of the country's defenses, then the Department is to be criticised for not performing its duty in submitting the estimates for it. As a member of the subcommittee on fortifications, I wish to say there has been no intimation from the Department that such an appropriation is necessary, and I wish to assure my colleague from New York [Mr. WALDO] that from my experience as a member of that committee, if the Department would submit such an estimate it will be carefully and properly considered. If shown to be essential, the money will readily be appropriated. I desire to say this because, as a member of that committee, in view of what has been said, I might perhaps be subjected to some criticism for not having urged the appropriation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For maintenance and repair of improvements, including not exceeding \$10,000 which shall be used for the repair and improvement of the east and south roads in the Yellowstone Forest Reserve, \$75,000, to be expended by and under the direction of the Secretary of War; and to be immediately available.

Mr. DIXON of Montana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

After the word "reserve," in line 22, on page 139, insert the following:

"Also not exceeding \$1,000, which shall be used for the survey of a wagon road for light vehicles connecting the Mammoth Hot Springs in the Yellowstone National Park to a point on the western boundary of said park where the West Gallatin River crosses the boundary line of said park, and connecting with the wagon road heretofore constructed by Gallatin County, Mont., along the West Gallatin River. The Secretary of War is directed to report from such survey to the next session of Congress estimates of what it would cost to construct such road and upon the advisability and feasibility of such construction."

Mr. DIXON of Montana. Mr. Chairman, I desire to say in support of the amendment that it merely provides for a limitation on the appropriation for the park, requesting the Secretary of War to cause to be surveyed a line for a road for light vehicles from Mammoth Hot Springs to the West Gallatin River.

Mr. TAWNEY. As I understand it, this does not create an appropriation, but simply diverts \$1,000 for that purpose?

Mr. DIXON of Montana. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, including all necessary expenses for preparing, correcting, extending, printing, and issuing charts and bulletins, and of investigating lake levels, with a view to their regulation, to be immediately available, \$75,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask how many years this survey of the lakes has been continuing?

Mr. TAWNEY. The survey commenced a great many years ago and was partially completed, but since the construction of vessels of greater draft than originally it has become necessary to resurvey the lakes.

Mr. PERKINS. How long is it since the resurvey was started?

Mr. TAWNEY. The resurvey commenced in 1902, and the gentleman in charge of the survey when before the committee was unable to give the committee any definite idea of when the work would be completed. It is the judgment of the committee, however, that it should be nearing completion, and for that reason in the last session of Congress we reduced the appropriation from \$100,000 to \$75,000. The Department complained very bitterly on account of this reduction, claiming it would be necessary for them to suspend a part of the work and ask for an increase to \$125,000 for the next fiscal year; but we gave them only the \$75,000.

Mr. PERKINS. Has the gentleman any idea when the work will be done?

Mr. TAWNEY. I have no idea when it will be done. I do not believe there is anybody who can tell. It will be completed whenever in the judgment of Congress the surveys have been sufficiently complete as to the various channels in the lakes. The plan, as I gather from the testimony of the gentlemen who appeared before the committee, contemplates surveying practically the whole lakes, regardless of the usual routes of travel of the vessels on the lakes.

Mr. PERKINS. Does the gentleman think this survey will ever be completed or will it become a permanent charge on the Government of \$75,000 or \$100,000 a year?

Mr. TAWNEY. It may be that when vessels of greater tonnage than are now constructed and with greater draft are built it may afford an excuse for a resurvey, and thus keep on indefinitely, but without any material change in the draft of vessels now on the Lakes it ought to be completed in a very few years, in my judgment. But that is not the judgment of the men who are in charge of the survey.

Mr. PERKINS. Does the gentleman think that all this survey is necessary for the purposes of navigation or is a great deal of it unnecessary?

Mr. TAWNEY. The Lake Carriers' Association is very insistent upon the survey being continued, and they claim that there is a great demand for it; that the resurveying has not gone on long enough; that the resurveys in general of channels which have heretofore been traversed by vessels on the Lakes on account of the greater draft of the vessels now make it very essential that the survey should be continued.

Mr. PERKINS. There is no hope of this survey ceasing in the immediate future?

Mr. TAWNEY. No; there is not.

Mr. PERKINS. I am sorry to hear that.

Mr. TAWNEY. But I think by reducing the appropriations occasionally we can hurry it up.

Mr. PERKINS. I hope so. Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, \$20,000.

Mr. TAWNEY. Mr. Chairman, upon the request of the gentleman from Pennsylvania last evening we passed over all the items beginning at the bottom of page 102, line 22, over to and including line 10, page 106, and I now ask to return to those items.

The CHAIRMAN. The gentleman from Minnesota asks to return to items under the head of United States Geological Survey, heretofore passed over without prejudice.

Mr. JAMES. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JAMES. A parliamentary inquiry: Is it necessary to have unanimous consent to return to provisions passed over?

The CHAIRMAN. The Chair thinks not. The items were passed over without prejudice and were subject to the call of the chairman of the committee.

Mr. JAMES. I merely wanted to suggest to the gentleman perhaps we might be able to finish this paragraph relating to the Soldiers' Home, and then recur to these paragraphs.

Mr. TAWNEY. I agreed with the gentlemen who are interested in this paragraph that when I reached the item of Soldiers' Homes I would return to this.

Mr. JAMES. How long does the gentleman think it will take upon the proposition?

Mr. TAWNEY. I do not think it will take very long to dispose of it; an hour probably.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For general expenses of the Geological Survey: For the Geological Survey and the classification of the public lands and examination of

the geological structure, mineral resources, and the products of the national domain, and for surveying forest reserves, including the pay of necessary clerical and scientific force and other employees in the field and in the office at Washington, D. C., and all other absolutely necessary expenses, including telegrams, furniture, stationery, telephones, and all other necessary articles required in the field, to be expended under the direction of the Secretary of the Interior, namely:

Mr. DALZELL. Mr. Chairman, I move to amend by inserting, after the word "domain," line 1, page 104, the following:

To continue the preparation of a geological map of the United States, gauging streams, and determining water supply.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 104, at the end of line 1, insert the following: "To continue the preparation of a geological map of the United States, gauging streams, and determining water supply."

Mr. TAWNEY. I make the point of order against both provisions. I think the gentleman from Pennsylvania should segregate his amendment. There are two separate and distinct propositions, but I make the point of order against the amendment as offered, but suggest it perhaps ought to be separated.

The CHAIRMAN. Is that the only point of order the gentleman makes?

Mr. TAWNEY. I make the point of order against the amendment offered by the gentleman from Pennsylvania on the ground that there is no authority of law for the preparation of a geological map of the United States or for the gauging of streams.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order made that there is no authority in law?

Mr. DALZELL. Yes, sir. Mr. Chairman, I think it is exceedingly fortunate that the chair is occupied by the present occupant of the chair, for the reason that the questions involved in these amendments about to be offered—one already offered—have already been passed upon by the Chair a year ago, and his ruling at that time was so clear and definite that it is incapable of being misunderstood. I do not exactly agree with the ruling of the Chair with respect to the second part of this amendment of mine, the part that relates to the gauging of streams, etc. As the gentleman from Minnesota has suggested, my amendment is subject, perhaps, to division. So far as the first part of it is concerned the proposition for continuing the work for making a map of the United States is very clearly within the organic act creating the Geological Survey, which reads as follows:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate, \$6,000: *Provided*, That this officer shall have direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral resources, and products of the national domain.

Now, of course, the making of a map is an absolute essential in connection with this Geological Survey. The formulation of conclusions of the Department in making a geological survey in classifying the public lands, and so on, necessarily involves the making of a map, and this is the work that has been in progress and has been provided for and appropriated for year after year for a great many successive years. The language of the amendment that I have suggested is the language of the current sundry civil appropriation bill. So that so far as the first part of the amendment is concerned it is clearly within the purview of the Geological Survey. But aside from that, as I recollect it, the Chair on a previous occasion ruled on this exact question and admitted the provision for the continuation of this map. Now, so far as the second part of the proposition is concerned, the gauging of streams, the Chair has already ruled on that subject, and I will leave it to my friend from Wyoming [Mr. MONDELL] to argue that question.

Mr. MONDELL. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Wyoming desire to be heard on the point of order?

Mr. MONDELL. I would like to be heard on the point of order, if the Chair will bear with me while I discuss it along the line of my discussion of a year ago.

Mr. TAWNEY. Mr. Chairman, I desire to interrupt the gentleman for a question.

The CHAIRMAN. Does the gentleman from Wyoming [Mr. MONDELL] yield to the gentleman from Minnesota [Mr. TAWNEY]?

Mr. MONDELL. With pleasure.

Mr. TAWNEY. Does the gentleman propose to discuss the merits of the proposition with respect to the gauging of streams or the point of order?

Mr. MONDELL. The point of order.

Mr. TAWNEY. I understood the gentleman to say a moment

ago that he desired to discuss it along the line of the argument of a year ago.

Mr. MONDELL. I make that statement to the Chair because I do not care to take the time of the House in a second discussion along the lines of the discussion of last year. But I am inclined to think that the Chairman could not have taken into consideration carefully some suggestions made in my argument of a year ago. I hold, Mr. Chairman, that water is a mineral; that the organic act establishing the Geological Survey provided among other things for an examination of the mineral resources of the United States, and I call the Chair's attention to my argument on that point, which appears on page 8487 of the Record of June 14, 1906.

Now, Mr. Chairman, there can be no question but what the Survey has authority to examine the mineral resources of the United States. That must be admitted, because that is the language used in the organic act. It seems to me there can be no question about water being a mineral—one of the most widely diffused and one of the most valuable minerals on earth—and I desire to call the Chair's attention to the fact that it is so defined by every known authority on the subject. There is no higher authority on the subject of minerals than Prof. E. S. Dana, and in his text-book of mineralogy he says:

Mineral species as a rule are limited to solid substances, the only liquids included being metallic mercury and water.

The CHAIRMAN. Will the gentleman from Wyoming permit the Chair to interrupt him?

Mr. MONDELL. I will be pleased to.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania [Mr. DALZELL] said:

On page 104, at the end of line 1, insert the following:

"To continue the preparation of a geological map of the United States, gauging streams, and determining water supply."

The question of mineral resources of the United States is not involved in this amendment, nor is it involved in any part of the paragraph that has been read.

Mr. MONDELL. The gauging of streams, Mr. Chairman, is the measuring of this mineral.

The CHAIRMAN. As the Chair understands, the gentleman says they have a right to investigate the mineral resources of the United States, and water being mineral, therefore they have the right to investigate the water and the water supply. But that is not involved in this. Does the gentleman from Wyoming contend that because they have a right to investigate the mineral resources of the United States, therefore they have a right to gauge streams?

Mr. MONDELL. I would say it would necessarily follow, Mr. Chairman, because I know of no way in which you may determine the quantity of mineral resources except by measuring them.

The CHAIRMAN. Will the gentleman permit a question? What is the purpose of gauging the streams?

Mr. MONDELL. The purpose of gauging the streams is to determine the amount of this particular mineral resource and its availability for use by determining its amount and the characteristics of its flow.

The CHAIRMAN. As a mineral?

Mr. MONDELL. As a mineral. Does the Chair desire any further authorities on the question of water being a mineral? If so, I would be very glad to call the Chair's attention to the Century Dictionary, to the Standard Dictionary, to all of the dictionaries of the English language, all of which define water as a mineral.

It seems to me there can be no question on this point.

If the Geological Survey has the right and the authority to make examination of the geological structure and mineral resources of the national domain, it has authority for making these examinations in any way which may be beneficial to the people of the United States, and how can this be done better than by measuring and testing the quantity, the quality, the regularity or the irregularity of the flow, and all those important points which are determined in this investigation and which tend to and do indicate the amount, the method of occurrence, and the utility of this most widely diffused and most valuable of minerals?

I do not care to take up the time of the House or the Chair with a further discussion of this matter, unless there may be some question in the mind of the Chair in regard to the mineral character of water, for it seems to me that that having been determined, there can be no question but what the Survey have the right to measure and examine this mineral as herein proposed.

And, further, if the Chair will bear with me, I would like to call attention to the fact that the gauging of streams and the examination of water supplies is one of the things necessary for the classification of the public lands of the United States;



that it is utterly impossible to determine the character of certain lands without the knowledge of their water resources. Lands are valuable in the arid and semiarid regions depending entirely upon the presence or the absence of a water supply. A region absolutely arid, aye, a region that is a desert, may be made to blossom as the rose if there is a sufficient water supply available for its irrigation. How can the Survey determine and report on the character of these lands of the United States without an examination of the water supply, upon the presence of which the character of the land depends as to whether it is irreclaimable or land which may be reclaimed and made fruitful. There are many regions in which the question as to whether lands may be reclaimed or not, as to whether they may be utilized for pasturage depends entirely upon the depth to water; and in order to classify these lands so as to know whether they are lands which may or may not be irrigated, and may or may not be utilized for pasturage, whether they may or may not be utilized for farming purposes, depends very largely, and in many instances entirely, upon the question of the depth to which the herdsman, the farmer, or the ranchman may have to dig to secure water; and on many of the public lands the most important question to be determined in the classification of such lands is the question of water supply.

Now, Mr. Chairman, it seems to me that whether you view this matter from the standpoint of classification of lands, a work clearly within the jurisdiction of this Bureau, or from the standpoint of the examination of mineral resources of the United States, in either case the Chair must hold, first, that there can be no thorough, definite, purposeful, useful classification without a knowledge of the water supply; second, that there can be no complete examination of the mineral resources of the United States without an examination of that mineral resource, more valuable in the arid regions of the United States, at least, than all the gold and silver and all the mines of copper and iron. So it seems to me the Chair must hold that this amendment, so far as it relates to the gauging of streams, is in order.

Mr. TAWNEY. Mr. Chairman, so far as the point of order relates to the gauging of streams for the purpose of determining the water supply, I do not think it is necessary for me to address the Chair in the light of the very clear, logical, and conclusive decision or opinion rendered upon the same question during last session. The gauging of streams for the purpose of determining water supplies and the gauging of streams for the purpose of determining the extent to which they increase the mineral resources of the country are two entirely different and distinct propositions; and it is not necessary to discuss whether water is a mineral. That we all understand. We also understand that all portions of the earth formation are in some degree mineral, and that does not mean necessarily that mineral land is not agricultural land, although agricultural land may have some mineral in it.

Now, Mr. Chairman, with reference to the other question—the continuation of the geological map. The act creating the Bureau of Geological Survey was enacted in 1879. It was enacted, as the Chair will remember, after Congress in the preceding year had passed a resolution calling upon the National Academy of Sciences to report upon an organization of some bureau in which could be united the geological survey and the topographical geological surveys, then being carried on in three separate and distinct branches of the Government.

The language of that act is:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate, \$6,000: *Provided*, That this officer shall have the direction of the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain.

The field of the activities of the Geological Survey, by the organic act creating it, is limited to the national domain. In compliance with the report of the committee appointed by the National Academy of Science on this proposition, the language is identical, with the exception that in this act the term used is "national domain" instead of "public domain."

Now, on the question as to whether or not this limits the field of its activities to the national or public domain, or whether that authority carries the Geological Survey into every State in the Union, that question was very fully and elaborately discussed on the point of order in the last session, and this is what the Chair said:

Mr. DALZELL. Am I right in concluding that the groundwork and foundation of the Chairman's ruling is that "national domain" and "public lands" are convertible terms under the act?

The CHAIRMAN. Oh, no; "national domain" and "public lands" are not convertible terms; but the Chair believes that the national do-

main has a well-defined meaning, and does not mean the whole United States. The gentleman from Pennsylvania yesterday argued that the "national domain" means the whole United States and all the States of the United States. The Chair has an entirely different opinion from that.

Now, how did Congress construe the act creating the Geological Survey and the extent of its jurisdiction? The first appropriation was made in 1879, and it was made for the expense of the Geological Survey and the classifications of the public lands and the examination of the geological structure, mineral resources, and products of the national domain, to be expended under the direction of the Secretary of the Interior, \$100,000.

Nothing is there said about a geological map of the United States. It was not contemplated. It was not thought that the purview of the act creating the Geological Survey contemplated a geological map of the United States. Follow the appropriations from the time of the creation of this Bureau down to 1883 and you will not find a line in any of the appropriation bills for the Geological Survey authorizing the making of a geological map of the United States. It was not until 1883 that this item first appeared in any appropriation bill appropriating money for the Geological Survey. Since that time it has been carried in connection with other appropriations for the Geological Survey, but it was not included in the organic act creating this Bureau. It was not claimed that it was included at any time until 1883. There is therefore absolutely no law authorizing the making of a geological map of the United States.

How inconsistent it would be to say that this act creating the Geological Survey contemplates a geological map of the United States, when authority is not given in the organic act to make a geological survey of the United States. You can not make a geological map of the United States without first making a topographical geological survey, and authority was not given for that purpose. Therefore it is impossible for any man to argue that authority for making a geological map of the United States is included in the original authority conferred upon or creating the Geological Survey.

Mr. WILEY of New Jersey. May I ask the gentleman a question?

Mr. TAWNEY. You may.

Mr. WILEY of New Jersey. Of what value would a geological survey be if it was unaccompanied by a map? Absolutely none.

Mr. TAWNEY. Absolutely none, I grant you. The gentleman, who is a distinguished engineer and a geologist, has made the point more clearly than I can possibly make it. A geological map without a geological survey could not be made at all, and yet nobody pretends to say that this organic act contemplates a geological survey of the United States. Authority is given to make a geological survey of the national domain, which means the unsold lands belonging to the people of the nation, not the land belonging to the States or people of the States. That is not making a geological survey of the national domain, and that kind of land is not included in the term "national domain," as the Chair clearly indicated a year ago when ruling upon this same question.

I maintain, therefore, Mr. Chairman, that this act creating the Geological Survey not giving authority for the making of a geological survey of the United States or a geological map of the United States, and the subsequent Congresses up to 1883 never having recognized that the original act gave that power and authority, there is no law authorizing it, and it is not such a tangible work in progress as the Chairman of the Committee of the Whole, the distinguished gentleman now presiding over this committee, and many other distinguished Members of the House who have presided over the Committee of the Whole have held to constitute a public work in progress. Such a work must be a tangible work. It must be something that is tangible and not intangible; something more than the gauging of water or measuring of water or surveying indefinite areas of land.

Mr. SHERLEY. Can there be anything more definite in area than a survey of the national domain or of the territory of the United States?

Mr. TAWNEY. Well, I doubt if there could be anything more indefinite than the survey of the territory of the United States, because all the territory of the United States has not yet been explored. That would include the territory of the Philippine Islands, the Aleutian Islands, Alaska, and all the other insular possessions of the United States.

Mr. SHERLEY. I suggest to the gentleman that that might have something to do with the magnitude of the undertaking, but would have nothing to do with the definiteness of the undertaking.

Mr. TAWNEY. There are parts of the Northwestern States where no civilized man has made an appearance or visited. I

therefore contend, Mr. Chairman, that if the point of order is good as to the gauging of streams, it goes to the entire amendment, and I also maintain that the point of order is good as to the entire amendment, because a geological map of the United States is not authorized by law and there is no geological survey authorized by law.

Mr. SHERLEY. Mr. Chairman, I desire to say only a word in connection with the point of order. Without discussing that part of the point of order which relates to the gauging of streams and which the present Chairman a year ago sustained, I desire to call to the attention of the Chair the fact that so far as it relates to that part of the amendment which reads "the making of a geological map of the United States" the point is not well taken. That provision relates to a work in progress, and it is a work with a definite limit to it. The point that the Chair made in his ruling a year ago was that as to the gauging of streams there could be no limitation, that it would be a continuing work never to be completed, and that therefore the precedents that were cited did not apply.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. SHERLEY. Certainly.

Mr. TAWNEY. I want to call the gentleman's attention to the fact that the making of a topographical and geological survey is never completed. The testimony before the committee of the chief of the division in charge of the duty of making plates informed the committee that they are changing their plates all the time because of the changes that are found to be necessary by the resurvey of the same areas made necessary by the changes of the topographical conditions. This one is as indefinite as the other.

Mr. SHERLEY. It is manifest, of course, that in the completion, in the sense of ultimate determination, of everything to be determined about the topography of land no completion can be had, but in the ordinary common use of the phrase in determining whether the project is capable of being completed it is manifest that the making of a map of the territory of the United States is a work that can be and will be in due course of time completed.

No sort of work undertaken by human hands ever reaches perfection, and if it be an argument that inasmuch as work can be improved by being done over, therefore it will never be finished, the argument of the gentleman from Minnesota would seem to be of force, but without that very extreme view it can not apply to the present case. I submit in all common sense that the making of a geological map of the United States is to the mind of any man a work capable of being definitely completed.

Mr. KEIFER. Mr. Chairman, I do not care to occupy much time, and I shall confine myself to an attempt to answer the argument of the chairman of the Committee on Appropriations as to the matter of maps. It is not necessary, Mr. Chairman, to go back into the history of the Geological Survey for the purpose of making the point I desire to submit. It may be well to say, Mr. Chairman, that in the early history of this country we had in the War Department topographical engineers, whose business it was to make maps essential to be used in the War Department.

That was discontinued a number of years ago, and when the Geological Survey was organized the War Department was obliged to rely upon the Geological Department for all its interior maps and the maps made by their surveys. I undertake to say now that all the maps which will be found in the office of the Engineer's Department of the War Department, except some additions or references made thereto as to streams, crossings, roads, etc., are maps that came from and were made by the Geological Survey.

But, enough of that history. Mr. Chairman, the gentleman from Minnesota [Mr. TAWNEY], chairman of the committee, says that there is no authority of law for the making of these maps. We made a law in the last sundry civil appropriation bill, and I now read from that a clause or two. Under the heading of "For general expenses of the Geological Survey," we find this:

For the Geological Survey and the classification of the public lands and the examination of the geological structure, mineral resources, and the products of the national domain, to continue the preparation of the geological map of the United States, etc.

Not to complete it, but to continue the work of making it. Now, we come to the rule that shows that it is in order to make appropriations as to work that is being continued. Under the act that applies to the present fiscal year we appropriated money only to continue it, and it is therefore clearly to be presumed—conclusively to be presumed—that that is being continued now. But before going to that, I wish to answer what the gentleman from Minnesota says about there being no au-

thority to make geological surveys, when he says that if there is not that authority, then there is no possibility of continuing the making of maps. Turning and reading again from the same law of last year, we find, under the same heading, this appropriation:

For topographical surveys in various portions of the United States, \$350,000, to be immediately available.

That is for topographical surveys, not of the public domain, but of various portions of the United States, and further we find this:

For geological surveys in various portions of the United States, \$200,000, to be immediately available.

It is not a question of the survey of the public domain. Is there a doubt about what that means? There is no doubt about the language used in the paragraphs of the act under which we are now proceeding in this fiscal year. Now, if I have made the point, I am about through. I shall now call the attention of the Chair to Rule XXI, paragraph 2, which is as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

We appropriated, as I have already stated, in the last sundry civil appropriation bill for the continuance of the preparation of maps, and it is now being continued, and hence the amendment is in order as it only provides for the continuance of a public work or object already in progress, and plainly within the paragraph of Rule XXI just quoted.

The CHAIRMAN. The Chair is ready to rule.

Mr. THOMAS of North Carolina. Mr. Chairman, I do not wish to detain the Chair if the Chair is ready to rule, but I am very much interested in this matter and I would like to submit some authority.

The CHAIRMAN. The Chair will hear the gentleman from North Carolina.

Mr. THOMAS of North Carolina. Mr. Chairman, following up what the gentleman from Ohio [Mr. KEIFER] has said, calling attention to the fact that an appropriation for the continuation of a public work would be in order upon this bill, I want to call to the attention of the Chair several other authorities in the Digest and Manual. Doubtless the Chair has the authorities before him. The gentleman from Minnesota [Mr. TAWNEY] contended that the work must be a tangible work in progress. I find a number of authorities holding certain works, certainly not more tangible than the preparation of a geological map, to be continuation of public works in progress.

For instance, I find that the continuation of a topographical survey has been held to be the continuation of a public work in progress and therefore in order on an appropriation bill. It is held that the distribution of the card indexes by the Library of Congress is the continuation of a public work in progress. Also that an appropriation for the completion of a list of claims is the continuation of a public work. I contend that the completion of a geological map, as provided for in the last sundry civil appropriation bill, is just as much the continuation of a public work in progress as any of the works mentioned in these authorities to which I call the attention of the Chair.

Therefore I think the Chair should overrule the point of order.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania reads as follows:

Page 104, at the end of line 1, insert the following:  
"To continue the preparation of a geological map of the United States, gauging streams, and determining water supplies."

A year ago, it will be remembered by those who took an interest in it at that time, that all of these questions were presented elaborately in an argument covering two days in this House. The present occupant of the chair was then sitting as the chairman of the Committee of the Whole House on the state of the Union, and in an elaborate opinion settled these questions at that time.

Therefore, the Chair at this time does not think it necessary to go fully and completely into these cases. The Chair therefore desires to say that he thinks that the point of order should be sustained to the amendment proposed by the gentleman from Pennsylvania for two reasons. To continue the preparation of a geological map of the United States is one thing; gauging streams and determining water supply is another thing, and the Chair thinks that that portion of the amendment which has reference to the gauging of streams and the determining of the water supply is subject to the point of order for two reasons. First, because the gentleman does not limit it to the national domain, and clearly, if the holdings of the Chair a year ago are to be sustained and followed here, it must be at all events and under all circumstances confined to the national domain,



unless it can be shown to be a continuing work in progress, which the Chair holds is not the case with gauging streams and determining water supply. Therefore, inasmuch as a portion of this amendment is obnoxious to the rule, the Chair thinks it is all obnoxious to the rule, and sustains the point of order.

Mr. DALZELL. Mr. Chairman, of course I accept the ruling of the Chair, and now I offer the first half of that amendment as relates to the making of the geological map.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 104, at the end of line 1, insert "to continue the preparation of a geological map of the United States."

Mr. TAWNEY. I make the point of order, Mr. Chairman, that there is no law authorizing a geological survey of the United States or a map of the United States.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard?

Mr. DALZELL. No.

The CHAIRMAN. The Chair is ready to rule. A year ago the point of order was made on a clause contained in the sundry civil bill at that time providing for the preparation of a geological map. Afterwards, when the whole thing had been carefully debated on the floor, the gentleman from Indiana [Mr. CRUMPACKER] withdrew the point of order, so that precise question was not presented to the Chair at that time, but the point of order against the making of a topographical map was presented to the Chair at that time, and the Chair thinks that the preparation of a geological map is on all fours with the case presented then of the preparation of a topographical map. The Chair at that time, in a decision of some length, held that, while there had been no statutory authorization for the preparation of topographical maps, yet, inasmuch as that work had been carried in successive appropriation bills, it became within the meaning of the rules of this House a continuing work in progress, and held it in order. Therefore the Chair overrules at this time that point of order. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. TAWNEY. Mr. Chairman, I move to strike out the words "United States" and substitute the words "national domain." I move that as an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment proposed by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

Strike out in the amendment the words "United States" and insert "national domain," so as to read "to continue the preparation of a geological map of the national domain."

Mr. TAWNEY. Now, Mr. Chairman, I want to be heard. I am aware of the fact members of the committee are anxious to proceed, but not more so than I am, with the consideration of this bill, but I want to present to the committee some facts with regard to the work of the Geological Survey in connection with the making of a geological survey of the United States. In the first place, Mr. Chairman, I say it without any fear of successful contradiction, that there is not a man upon this floor who does not know and is not satisfied in his own mind that every dollar of money that is appropriated from the Federal Treasury for the making of a geological or topographical map of his city or of his State is unauthorized by law or by the Constitution of the United States. The work of making geological surveys and topographical surveys that devolves upon the Federal Government to-day must of necessity be confined to the territory which belongs to the United States. The work of making a geological and topographical survey of your State, and of my State, and of the State of Pennsylvania, and of the State of New York devolves upon the people in that State to make and defray the expense of making. No man upon this floor can justify the appropriation or the expenditure of one dollar of money from the Federal Treasury to make a topographical or geological survey of his State, his county, his district, or his own State.

Now, this expenditure is not made by the Federal officials alone. Here we have in the hearings a written contract of partnership between the head of the Geological Survey and the heads of the various bureaus under State governments. Think of it! Here is a written contract for the doing of that which belongs exclusively to the States to do, whereby the Federal Government, in so far as an official of the Government, unauthorized by law, can bind the Government, agrees to do certain things in connection with the making of a geological survey of that State, included in this contract. The geologist of the State of Illinois, who has come on to Washington for the purpose of laying the necessity for this authority and appropriation before the members of the Illinois delegation, or at least some of them, admitted to one of the members of that delegation

last night that with the \$17,000 that he obtained from the Federal Government for the purpose of aiding his State in making a geological survey of his State he was able to get a larger appropriation from the State legislature for that purpose than he otherwise could. The money of the Federal Government is therefore not only used for the doing of that which belongs to the State to do, but it is being used for the purpose of bribing State legislatures or influencing them—I care not what you may call it—in making larger appropriations for this purpose than otherwise these officials say they could obtain.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. TAWNEY. I do.

Mr. KEIFER. I simply want to inquire for information whether it is true that the State of Illinois was given by the Geological Survey \$17,000 out of our appropriations to carry on their State work, or whether it is only true that the Geological Survey made an arrangement by which the General Government aided in the matter of its geological survey?

Mr. TAWNEY. I would say to the gentleman from Ohio that if he will take the hearings and read them, the contract between the Director of the Geological Survey and the head of two bureaus, he will ascertain exactly what the terms of that unlawful contract are, entered into without authority of law by the Director of the Geological Survey of the United States. I will say more specifically in answering his question that that money, by the act of the Director of the Geological Survey, and not by the act of Congress, is apportioned to the State of Illinois to aid the State of Illinois in making a survey it ought to make, and a survey which the Federal Government has no right or power to make, or can not make, without the consent of the State of Illinois.

Mr. KEIFER. Mr. Chairman, I think the gentleman misunderstood my question. I wanted to know whether there was given, as he stated in the earlier part of his speech, to the State of Illinois, I believe, \$17,000 to aid the State in making its geological survey, or whether the arrangement was not simply that the State might assist the General Government in the matter of making its geological survey, thereby saving expense to the General Government?

Mr. TAWNEY. Not at all. Mr. Chairman, the Federal Government can not make a geological survey of the State of Illinois without the authority and consent of that State. That of itself shows conclusively that the Congress of the United States never contemplated the making of a geological map of the United States. Why, the present Director of the Geological Survey came to my own State—Minnesota—some years ago to make a geological survey of that State. The geologist, Professor Winchell, denied him the right, and he did not make it. And he is to-day seeking to undermine State geologists in other States of the Union in order that he may add them to his power and influence in the matter of increasing his appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. TAWNEY. Now, the point, gentlemen, I make is, that it is not and never has been contemplated that a geological map of the United States should be made by the Federal Government, and that is proven by the fact that the Federal Government has not the power nor the authority to make it except by and with the consent of the State. But, Mr. Chairman, there is a more serious side to this question. Is the Congress of the United States willing to further surrender its right to a bureau officer to obligate our Government to aid in the doing of that which there is no statutory authority to do? Are we going to permit a bureau officer to formulate the policy of our Government with respect to cooperation with the State government in the doing of that which is not a part of the business of the Federal Government, but which belongs, as I said before, exclusively to the States to do?

I maintain, sir, that if it is wise for us to do this, then we should enact a law authorizing it. We should enact a law specifically designating the terms and conditions upon which this cooperation should be carried on without leaving it to the discretion of any bureau chief to determine what should be our policy. And above all, Mr. Chairman, I maintain that it is morally wrong for the Congress of the United States, in the face of the testimony it now has, to further appropriate money that may be used by our Geological Survey or by the State geologists to coerce the legislative bodies of the States into

making appropriations for these surveys which they otherwise could not obtain.

Now, another fact, Mr. Chairman. None of the money which we appropriate for this purpose is expended in any State except upon the condition that that State contributes a like amount. Think of it! Our appropriations are taken, made as they are in lump sums, and are distributed how? It is not done impartially; but they are distributed only to the States that will contribute a like amount of money for the doing of that which it is best for the State to do.

Now, Mr. Chairman, in view of these facts, I think it is high time that the Congress of the United States should exercise its functions and either say by law, and not by appropriation, whether it will or will not further countenance and acquiesce in this policy of copartnership between the State and the Federal Government in the matter of making geological surveys, and which the Federal Government is powerless to make without the consent of the States themselves. I hope the amendment will be adopted.

Mr. GRAHAM. Mr. Chairman, I will ask the gentleman, Is not this question in the same line as the agricultural stations, for which the Government contributes? Is that not in partnership with the States of the Union?

Mr. TAWNEY. It may be in line, but it is an entirely different proposition.

Mr. SMITH of Iowa. One is authorized by law.

Mr. TAWNEY. One is authorized by law, and one is not authorized by law. The one is done by authority of Congress, and the other is not.

Mr. DALZELL. Mr. Chairman, it seems to me that there can not be a more extravagant waste of time than to discuss in this House at this time the proposition that the national domain and the United States are not analogous terms. That whole subject was discussed, as the Chairman has already said, extending over a period of two days last year, and the decision of the Chair, clear and explicit, so clear and explicit that no man can doubt, is a matter of record.

Mr. TAWNEY. Will the gentleman permit one interruption? Has he decided that the words "national domain" and "the United States" are one and the same?

Mr. DALZELL. He has not. Now, with this other question, the proposition of the gentleman from Minnesota, anticipating something that is yet to be reached in this bill, is that the United States of America is powerless to make a topographical map of the United States of America and is dependent upon the exercise or the nonexercise of power by the legislatures of forty-five different States and the legislatures of our Territories and Commissioners in our colonial possessions. Why, there is not a civilized country on the face of the earth that has not a complete map, a topographical map, geological map, charts of its bays and its harbors; and yet it is said that in the case of the United States the making of such map is not a great national project. Why, for twenty-five years the United States has been exercising this authority; and it never entered the mind of any man until it entered the economic mind of the gentleman on my left [Mr. TAWNEY] that the United States could not accept from the various States the aid that they were willing to give toward the making of a map of the United States—topographical, geographical, geological—a great national project, impossible to be made except under a single head, by direction of a single bureau. When the State of Pennsylvania comes up and says "We will contribute to this great work" and the State of Illinois says "We will contribute to this great work," the proposition of the gentleman from Minnesota is that it is an unholy partnership into which the United States can not enter!

Now, it seems to me that it is not necessary to say anything more than that this, on its face, is a great national, necessary project, for which the National Government is bound to appropriate money, and that it is within the power of the National Government to accept such contributions as the States are willing to make toward that great national object. I hope the amendment offered by the gentleman from Minnesota will be voted down.

Mr. TAWNEY. Mr. Chairman, I just want to say one word in reply in regard to the distribution of this money. You take the geological map thus far completed and you will find that 90 per cent of that money that has been appropriated for that purpose has been expended in the Eastern States that are eminently qualified financially and from the standpoint of intellectual ability to make their own geological survey, but notwithstanding that, the money of the Government of the United States has been spent in the State of Pennsylvania, one of the richest States of the Union; in Massachusetts, and the State of New York and other Eastern States that were willing to enter into a partner-

ship with the Director of the Geological Survey in order that the Government might make a survey for them that they wanted and which they were not willing to pay for entirely themselves.

The Western States have not received their proportion of this money. Even the national domain has not received it. Scarcely any part of the national domain has been topographically or geologically surveyed, notwithstanding that they have for more than sixteen years been appropriating money for this purpose and for the benefit of the Eastern States, whose surveys are practically completed.

Mr. SHERLEY. Mr. Chairman, some of the statements made by the distinguished chairman of the Committee on Appropriations are rather startling, and if they would stand the test of analysis might warrant this committee in destroying the Geological Survey, because that seems to be the desire of the Committee on Appropriations. But fortunately for that Survey the facts do not warrant some of the extreme arguments made by the distinguished chairman. He charges the Geological Survey with bribing the State legislatures. He does not mean that. He is simply dealing in extravagance of language brought about by a good zeal in the line of economy. What he means is that the Government is appropriating certain moneys, and the States, by appropriating certain money to cooperate, can get the work done quicker, and the American people being sensible people, when work is to be done they want it done as rapidly as possible, and therefore are appropriating the money through the State legislatures. [Applause.]

The gentleman will not stand here and say for an instant that a dollar of the money appropriated by the National Congress has been wrongfully used in bribing any individual in any State of the Union.

Mr. TAWNEY. I did not make the statement that it was used to bribe individuals or States.

Mr. SHERLEY. The gentleman from Minnesota was not conscious of the force of his own language, and when I undertook to interrupt him to save him from extravagance he was too busy to yield. What he did say was that appropriations are being made and being used for the purpose of bribing the States to make appropriations, and the RECORD will bear that out.

Mr. SHACKLEFORD. May I ask the gentleman from Kentucky a question?

Mr. SHERLEY. Yes; I will yield for a question.

Mr. SHACKLEFORD. Is it not a policy pursued by the Geological Department to give surveys to those States that appropriate money and to withhold it from those States that do not contribute?

Mr. SHERLEY. It is not, and in answer to that proposition I state now that there are fifteen States that are cooperating, and that there is geological work being done in forty-seven States and Territories [applause], and I challenge the accuracy of that statement.

Mr. DALZELL. Mr. Chairman, I want to call attention of the gentleman from Missouri, who just asked whether or not surveys were not being made only where there were contributions by the State, to the fact that in his own State of Missouri not a dollar has been contributed by the State, while \$14,400 have been paid by the Federal Government for topographical survey in his State in one year.

Mr. TAWNEY. And that was a topographical survey of the city of St. Louis.

Mr. DALZELL. If the gentleman will yield me one minute more, the statement of the gentleman from Minnesota, that money has been expended in the East and not in the West, is incorrect. I call his attention to the expenditure of money in Idaho, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Wisconsin, Wyoming, and California. So that the gentleman from Minnesota is far adrift in the facts when he undertakes to make that statement.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman from Kentucky be extended five minutes.

There was no objection.

Mr. SHERLEY. Mr. Chairman, I am indebted to the committee, and in order to show my appreciation I will agree not to take all of the five minutes. The gentleman from Pennsylvania [Mr. DALZELL] largely covered some of the facts I was going to speak to. He pointed out the inaccuracy of the statements made by the gentleman from Minnesota. The fact is that cooperation has been growing between the various States and the National Government, and the reason for it is most plain and sensible. It simply enables the work to be done twice as rapidly as it could be done otherwise, and the States are awakening to a realization of the value of this work done under Government supervision, and in order to accelerate it are willing to contribute. There seems to be in the mind of the



gentleman from Minnesota an idea that there is some vice in the fact that the States are helping to defray this expense. The gentleman argues that the State should defray all the expense, but that if it only defrays half, then it is guilty of a great crime. It is at least doing half of what the gentleman himself wanted, and to that extent should not be subjected to criticism.

But the fact is that whether this should originally have been a matter for the States is no longer an open question. It has ceased to be a matter for State work. It has become a great national undertaking, and the only question for this committee to consider is whether we want to cripple and destroy it. The gentleman complains of the large authority exercised by the Director of the Geological Survey. How would he regulate it? By passing any act of Congress prescribing his duties and limiting his powers? No. He would take the method of destroying it or limiting it to such a narrow territory that the work of the Survey would no longer be valuable. If he is so anxious to curb authority erroneously exercised in the Department, let him bring in proper remedial legislation, and let him not ask the committee to follow him in destructive legislation against one of the best works and one of the best bureaus of the Government. [Applause.] [Cries of "Vote!" "Vote!"]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. BLACKBURN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8316. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 12858. An act permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest; and

H. R. 25601. An act to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2011) granting an increase of pension to Lucinda L. McCorkle.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 7840) granting an increase of pension to Lewis A. Towne, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. NELSON, and Mr. McLAURIN as the conferees on the part of the Senate.

#### SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SULLIVAN. Mr. Chairman—

The CHAIRMAN. Debate is proceeding under unanimous consent. The Chair is about to recognize the gentleman from Massachusetts [Mr. SULLIVAN], but the Chair desires to state to the members of the committee that the way in which to cut off debate is not by crying "Vote!" "Vote!" but by objecting when request is made for unanimous consent. The Chair recognizes the gentleman from Massachusetts.

Mr. SULLIVAN. I was struck with the remarkable unanimity with which the House applauded the speech of the gentleman from Kentucky [Mr. SHERLEY] when he objected to the extravagance of language of the gentleman from Minnesota. I wish that the House would applaud with equal vigor the remarks of the gentleman from Minnesota when he objects to extravagance in appropriations; but it is my judgment that the House is far more unanimous in condemning extravagance

of language than it is in condemning extravagance in appropriations. [Applause.] There has been some suggestion here that cooperation between the National Government and the State governments is good; that it serves a useful purpose. I merely wish to point out that the great mining States of the West, which need topographical and geological surveys more than the States of the East, are compelled to wait because of their lack of financial resources, in order that the older and richer States of the East may first be served. I want simply to point out that that is one of the evil results of the system of cooperation.

Mr. THOMAS of North Carolina. I want to ask the gentleman, as a member of the Committee on Appropriations, if it is not true that one-third of these appropriations annually go to the Western States, instead of all the money going to the States of the East? Is not that a fact?

Mr. SULLIVAN. I assume that it is a fact, and my only objection to that is that two-thirds should go to the West rather than to the East, if the purpose of the original law were observed.

Mr. SHACKLEFORD. There is ten times as much work to be done in the West.

Mr. THOMAS of North Carolina. They get one-third, anyhow.

Mr. SULLIVAN. I know that the Geological Survey has great influence with this body. I have been told—I do not know whether it is true or not—that Members are reminded that unless these appropriations are given, and unless they struggle for them, the mapping in their own districts can not go on. Now that may be the proper way to influence the action of a Member of Congress or not. It is for each individual Member to decide that question for himself. But I want to point out, in answer to one of the suggestions of the gentleman from Pennsylvania [Mr. DALZELL], that there are many of the projects which are being executed by the Geological Survey which are not in any sense of the word national in their character.

For example, the Geological Survey frequently makes topographical surveys for cities in order to aid them in determining how best to construct waterworks and sewer works, and I would respectfully ask the gentleman from Pennsylvania [Mr. DALZELL] whether a topographic map in aid of a city that is about to construct waterworks is in any sense of the word a national project?

Mr. DALZELL. A part of the national project; yes.

Mr. SULLIVAN. Let me ask the gentleman what part?

Mr. DALZELL. It would depend very largely on the size of the city in relation to the whole territory.

Mr. SULLIVAN. What relation, I will ask the gentleman, does the city bear to the National Government? Perhaps this may be a useful lesson in political economy.

Mr. DALZELL. It is a part of the national territory.

Mr. SULLIVAN. Is it any part of the national territory in a sense which justifies the National Government in making appropriations for municipal work? I would like a fair answer to that question.

Mr. DALZELL. Not for municipal work. The National Government makes no appropriations outside of the national domain, but a city is a part of the geographical territory of the United States that some day or other will be all mapped.

Mr. SULLIVAN. Yes; if the gentleman has his way.

Mr. DALZELL. Just as much as a farm or a village or a State, except that it is not so large.

Mr. SULLIVAN. It is true that every city in the United States is incorporated within the geographical limits of the territory of the United States, but it is not true that any city of the United States is any part of the Government of the United States.

Mr. OLMSTED. Will the gentleman yield?

Mr. SULLIVAN. The gentleman has answered his own question. He has stated that the National Government has no right to make appropriations for municipal purposes, but I respectfully submit that when the National Government expends this money for the making of a topographical map in aid of a sewer project of a city, that that is, in its practical effect, a national appropriation for municipal purposes, and to that extent is a violation of the theory of our Government. [Applause.]

Mr. SHERLEY. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Massachusetts may proceed for five minutes. Is there objection?

Mr. PAYNE. Does the gentleman from Massachusetts ask it?

Mr. SULLIVAN. I prefer not to, but I am willing to submit. [Laughter.]

Mr. PAYNE. If the gentleman does not ask it, I shall object. If the gentleman wants it, I shall not.

Mr. SULLIVAN. Oh, well, then I join in the request of the gentleman from Kentucky [Mr. SHERLEY], because I believe he has the right to ask a question.

The CHAIRMAN. Unanimous consent has been asked by both the gentleman from Kentucky and the gentleman from Massachusetts. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts for five minutes.

Mr. SHERLEY. Will the gentleman yield?

Mr. SULLIVAN. Yes.

Mr. SHERLEY. The gentleman has asked a series of questions based upon a hypothetical condition. Will he state, upon his own authority and knowledge, the name of a single city in the United States where topographical work has been done at the expense of the United States for the benefit of a sewer commission?

Mr. SULLIVAN. There have been cases, I will state to the gentleman. I do not recall the name of any city at present—

Mr. SHACKLEFORD. Was not St. Louis surveyed within the last few years?

Mr. TAWNEY. If my colleague will permit, I shall be very glad to name them.

Mr. SULLIVAN. Yes; I yield to the gentleman from Minnesota for that purpose.

Mr. TAWNEY. And I shall state it on the authority of the Geological Survey. Both the city of St. Paul and the city of Minneapolis were topographically surveyed for the benefit of the municipalities and also for the benefit of the interurban railway companies.

Mr. SHERLEY. I will again ask the gentleman from Massachusetts—and he can transfer the question again, if he chooses—whether he believes that any of these surveys made in the city have been made upon any other scale than those that have been made out in the country at large, in order to accommodate the survey to the needs of either a railway system or a sewerage system or anything else, and at the expense of the National Government?

Mr. SULLIVAN. Mr. Chairman, I will state to the gentleman I can not give of my own knowledge the name of any city that has procured a topographical survey to be made by the National Government; but it has been frequently stated to me, so frequently that I have not taken pains to record the statements, and I assumed that it was a settled practice that when cities through their Representatives asked that the Geological Survey should make a map for any local purpose, that request would be granted by the Geological Survey.

I did not believe until now that a single Member of the House would even question the statement. I am quite certain, if it is worth while, that within the course of a day or two I can give the gentleman from Kentucky information upon the question and put it in the Record. I can not now upon my feet—

Mr. SHERLEY. I will be glad if the gentleman will do it, so that in the future we would not have to depend upon statements unbacked by detailed information.

Mr. SULLIVAN. The gentleman from Minnesota has answered the gentleman from Kentucky that topographical surveys were made of the cities of St. Paul and Minneapolis in aid of a local railway project. I submit to the gentleman from Kentucky that there is no more right for topographical surveys to be made in aid of a local railway project than to be made in aid of a sewer or water works.

Mr. SHERLEY. Oh, unquestionably not.

Mr. SULLIVAN. Now I yield to the gentleman from Arkansas.

Mr. BRUNDIDGE. I desire to ask the gentleman from Massachusetts simply a question. If I understood the gentleman from Massachusetts, his objection to this is because the Government has no right to go out and make appropriations to carry on that work that properly belongs to the States. Is that correct?

Mr. SULLIVAN. That is true; and in that connection—

Mr. BRUNDIDGE. And the gentleman—

Mr. SULLIVAN. The gentleman must not dictate the form of my answer. I trust the gentleman will allow me to make my answer.

Mr. BRUNDIDGE. But I had not finished my question.

Mr. SULLIVAN. Then let the gentleman reconstruct his question.

Mr. BRUNDIDGE. If that be true—

Mr. SULLIVAN. I have not answered; you must not assume anything is true until I have finished my answer.

Mr. BRUNDIDGE. Is there not in this very bill appropriations carried that are just as much subject to the same objection, and more so, than this item?

Mr. SULLIVAN. There are, Mr. Chairman; and that brings up the question whether having begun on a course of error it is the express duty of Representatives of the people to persist in it until the end. [Applause.] Of course there are in this bill items that are obnoxious to the reasons I have stated upon this point, but I did not suppose until now that any gentleman would insist that because there was a wrong in one part of the bill that we were justified in perpetrating other wrongs in other parts of the bill.

The CHAIRMAN. The time of the gentleman has expired.

[Cries of "Vote!" "Vote!"]

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to speak for three minutes directly on this amendment of the gentleman from Minnesota.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to speak for three minutes on the proposition. Is there objection?

Mr. OVERSTREET of Georgia. I object.

Mr. GARDNER of Michigan. Mr. Chairman, I ask, as a member of the committee, that I be allowed five minutes.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. GARDNER of Michigan. Then I ask unanimous consent.

Mr. UNDERWOOD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. I make the point of order that debate on this matter has been exhausted.

The CHAIRMAN. Debate has been exhausted upon the pending amendment, and the committee has been proceeding for some time only by unanimous consent.

Mr. UNDERWOOD. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. TAWNEY. I would like to have the amendment again reported.

Mr. GARDNER of Michigan. I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word, which is in order; and after that, the Chair will state, a man will be entitled to the floor for five minutes in opposition.

Mr. OLMSTED. I would like to be that man, Mr. Chairman.

Mr. SHERMAN. Mr. Chairman, is it not a fact that the gentleman from Pennsylvania offered an amendment and the gentleman from Minnesota offered an amendment to his amendment, so there are two amendments pending, an amendment to an amendment?

The CHAIRMAN. The Chair stands corrected, because he had forgotten temporarily the amendment offered by the gentleman from Minnesota to the amendment offered by the gentleman from Pennsylvania. Therefore debate has been closed, and the motion of the gentleman is not in order. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY] to the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and the Chair reported that the yeas seemed to have it.

On a division (demanded by Mr. TAWNEY and Mr. SULLIVAN) the committee divided; and there were—yeas 53, yeas 112.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 1, page 104, after the word "resources," insert "including water."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that. If water is a mineral, it is included in the original authority. If it is not, it is not, and that is all. If water is mineral, there is no occasion for specifying the word in this act, but if it is proposed by a subterfuge to get into this bill that which has already been ruled out as not belonging to it, it is not entitled to any consideration.



The CHAIRMAN. The Chair is ready to rule, unless the gentleman from Wyoming [Mr. MONDELL] desires to be heard.

Mr. MONDELL. The gentleman from Wyoming does not care to take the time of the House further than to refer to the fact that all the standard dictionaries and all the standard authorities classify water as a mineral. And the object of my amendment is to simply, clearly, and definitely include this mineral among the other minerals which are to be examined. It certainly would be germane to insert the word "iron" or the word "copper" or "coal" or "silver" at this point. I include specifically this one mineral, which on a large portion of the public domain is the most valuable of all minerals.

Mr. BONYNGE. Mr. Chairman, I just want to say one word on this point of order. The argument made by the gentleman from Minnesota [Mr. TAWNEY] in support of the point of order made by him is that the word is unnecessary, as it is already included under the words "mineral resources." I submit, Mr. Chairman, that may be an argument against the advisability of including those words in the bill and entitled to consideration by the Members in voting on the amendment, but it is not an argument in support of the point of order. All that is involved in determining the point of order is the single proposition of whether or not water is a mineral, and upon that the gentleman from Wyoming [Mr. MONDELL] has made an extended argument.

The CHAIRMAN. The amendment offered by the gentleman from Wyoming is as follows:

In line 1, page 104, after the word "resources," insert the words "including water."

The Chair thinks this is obnoxious to the rule, and that the point of order should be sustained. When the statute creating the office of the Geological Survey was passed, it had this language, and the Chair assumes if the Geological Survey of the United States has any power it was conferred upon it by the express language of the statute which created the Geological Survey, and that aside from it, it has no power. This is the language:

*Provided, That this officer shall have the direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral resources, and products of the national domain.*

Now, it occurs to the Chair that the word "water" is included in the term "mineral resources," and if water is not a mineral, in its relation to agriculture, therefore it is not included in the term "mineral resources," and can not be included in any of the powers conferred by statute upon the Geological Survey.

Mr. BONYNGE. Will the Chair allow me one question?

The CHAIRMAN. Certainly.

Mr. BONYNGE. If water be a mineral and it is included under "mineral resources," then upon what ground can the Chairman sustain the point of order? How would it be obnoxious to the rule prohibiting a change of law in an appropriation bill if water be a mineral and the Geological Survey has the right now to make an investigation of mineral resources? It may be unnecessary to put those words "including water" in, but how would the inclusion of those words be contrary to the rule or in extension of authority conferred upon the Geological Survey by existing law?

The CHAIRMAN. The Chair calls the attention of the gentleman from Colorado to the language of the bill which is pending and which the gentleman seeks to amend by his proposition.

Now, the gentleman from Colorado will observe, and other members of the committee will see, that the committee in formulating this bill has followed precisely the language of the statute, which the Chair has just read, creating the Geological Survey.

*Classification of the public lands, the examination of the geological structure and the mineral resources and products of the national domain, etc.*

Now, the Chair calls the attention of Members to the fact that the committee specifically follow the language of the statute. The Chair supposes that the gentleman from Wyoming is seeking to change that language, because if he were not seeking to change it it is already included in the bill; and if he is seeking to change it, it is a change of existing law, entirely outside of the authority conferred on the Geological Survey by that statute, and therefore the Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment.

Mr. MONDELL. I desire to offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the words "mineral resources" the words "especially water."

Mr. TAWNEY. Mr. Chairman, I make the point of order. The CHAIRMAN. And the Chair sustains the point of order. Mr. MONDELL. I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers another amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 1, page 104, insert the words "water resources and products of the national domain."

Mr. TAWNEY. I make the point of order, Mr. Chairman, against that amendment.

The CHAIRMAN. And the Chair sustains the point of order.

Mr. MONDELL. I would like to be heard on the point of order.

The CHAIRMAN. The Chair has no desire to cut the gentleman off from being heard. [Cries of "Regular order!"]

Mr. MONDELL. I want to call the attention of the Chair to the fact that my amendment contains language that was not contained in the former amendment, and that there are added reasons why this amendment is germane to the bill. The Geological Survey has authority—

Mr. TAWNEY. I understand that the Chair has already ruled, and I demand the regular order.

Mr. MONDELL. The Chairman has not ruled. I ask the Chair to give me at least two minutes.

The CHAIRMAN. The Chair will be glad to give the gentleman three minutes.

Mr. MONDELL. I wish to call the attention of the Chair to the fact that my amendment proposes an investigation of the water resources and products of the national domain. It is clearly within the jurisdiction of the Geological Survey to examine into the mineral resources and products of the public domain. There is no product of the public domain so important, at least west of the Missouri River, no product of any such great value as water, and if this valuable product can not be investigated, what product of the public domain may be investigated? I desire to call the attention of the Chair to the fact that while my former amendment was ruled against, it seems to me that had the amendment used the word "iron" instead of "water" it would not have been subject to the point of order, and surely water is a mineral as much as iron. This amendment also proposes an investigation of this valuable product of the national domain, and I submit it is in order.

The CHAIRMAN. The Chair again calls attention to the fact that in the language of the bill pending the committee in formulating the bill have followed precisely the language of the statute, and all the powers conveyed on the Geological Survey are conferred by that statute. Now, if the examination of those things suggested by this amendment now rests with the Geological Survey, then the appropriation is provided in the bill; if it is not, then it is in contravention of the statute and is therefore new legislation, and the Chair sustains the point of order. It is clearly obnoxious to the rule.

The Clerk read as follows:

For pay of skilled laborers and various temporary employees, \$20,000.

Mr. NORRIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 10, page 104, insert: "For the continuation of the investigation of structural materials belonging to the United States, such as stone, clay, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, \$100,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. What is the point of order?

Mr. TAWNEY. On the ground that it is not authorized by law.

The CHAIRMAN. Does the gentleman from Nebraska desire to be heard on the point of order?

Mr. NORRIS. I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NORRIS. I want to say to the Chair that the amendment which I have offered, and which the Chair now has in his possession, is identically the same amendment that I offered one year ago when we were considering this identical bill, when the same point of order was made and the Chair overruled the point of order. I do not care, Mr. Chairman, to take up the time of the Chair or the House in going over again the discussion on the point of order. Thus far the Chair has ruled the same as he did one year ago, and while I would like to be heard if the Chair has any idea that his other ruling was erroneous, still at the same time I would not care to be heard unless the Chair has had a change of heart. This was found on page 8496 of the CONGRESSIONAL RECORD, dated June 14, 1906.

The CHAIRMAN. The Chair is ready to rule on the proposition.

Mr. TAWNEY. I should like to know if the amendment is the same amendment that was offered a year ago after the Chair had ruled that the original proposition was not in order.

The CHAIRMAN. Yes; because it has reference to materials of that character belonging to the United States, which the Chair held must be those materials belonging to the United States on the national domain, and limiting the scope of the appropriation. The Chair thinks it is clearly in order.

Mr. TAWNEY. Mr. Chairman, I want to say just a word, then, in opposition to the amendment. The Committee on Appropriations did not report this provision, for two reasons. In the first place, it is a duplication of work. In the second place, this service was placed in the Geological Survey in connection with the exhibit at St. Louis. It was intended to be temporary in its character. The men who had it in charge said to the Committee on Appropriations two years ago that if they would give them the appropriation for the next fiscal year the work would be completed by July 1, 1906, and the Committee on Appropriations wrote that into the law.

Now, I trust that the Members of this House will not, simply because of their friendship for the Geological Survey, allow that friendship, either for the personnel employed in that Bureau or for the work of that Bureau in connection with geology, to sway their judgments in respect to a matter of this kind. We have at the Watertown Arsenal, in the State of Massachusetts, the best testing plant in the world. It is unequaled by any other, and if any gentleman will take the trouble to read the hearings he will find that that testing plant is testing building material of all kinds for people in every State in the Union, including reinforced concrete, which was the principal object of giving to the Geological Survey the opportunity of making tests of building material at the St. Louis Exposition.

Mr. LITTLEFIELD. I should also like to ask the gentleman whether or not it is true that the laboratory in the Supervising Architect's office is also testing structural material?

Mr. TAWNEY. It is true, and in addition to that we have the Bureau of Standards, created here in the city of Washington, for that very purpose.

Mr. LITTLEFIELD. And is it not also true that the Chemical Bureau in the Department of Agriculture, with their laboratory, have been testing the coals used by the Government at a very small expense?

Mr. TAWNEY. They are testing coals, and not only that, but they are testing building material. All wood taken from the forests, from the Government forest reserves, is tested in the Forestry Bureau of the Department of Agriculture.

Mr. GAINES of Tennessee. You stated just now that the Bureau of Standards was also testing this material, arguing that it was unnecessary for this appropriation to be made for that reason. I should like to ask how many hundred thousands of dollars or how many million dollars we have spent in establishing that Bureau of Standards?

Mr. TAWNEY. I am unable to answer the question of the gentleman, but I know that the Bureau of Standards is testing the building material that is going into the House office building that is costing the Government \$3,000,000.

Mr. GAINES of Tennessee. We have spent thousands and thousands of dollars to establish that Bureau of Standards.

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. And that is one of the businesses that it carries on.

Mr. TAWNEY. I fully understand the object of the gentleman from Nebraska in offering this as the representative of the Geological Survey, as he did in the last session of Congress. It goes to the Senate and there is broadened so as to include the testing of building material not upon the public domain, but building material for the benefit of private interests. Now, Mr. Chairman, the Watertown Arsenal testing plant tests for everybody, but the Government is reimbursed for those tests made there to the extent of the cost of those tests, and in the Bureau of Standards, when testing is done for outside parties, these parties must also pay for the cost of the tests. The Geological Survey makes its tests for nothing, wholly at the expense of the Government of the United States. It has more tests to make, because, forsooth, these tests can be made at the expense of the Government or as a gratuity to the person who wants the test made.

Mr. DALZELL. I want to interrupt the gentleman right there, and to say that these tests are not made for private individuals at all.

Mr. TAWNEY. The gentleman from Pennsylvania knows very well that the testing that is being done under the authority of the appropriation of the last session of Congress is made

for people outside or material outside of the material taken from the public domain.

Mr. DALZELL. The gentleman from Pennsylvania knows nothing of the kind.

Mr. TAWNEY. Then the gentleman from Pennsylvania is not informed. Now, Mr. Chairman, I insist that we have two testing plants, one at Watertown and one at Washington. If the testing plant at Watertown, which is unequaled by any in the world and is now engaged to make tests of building material all over the United States, there is absolutely no use or justification of our continuing to appropriate money for the purpose of carrying on the same tests in the Geological Survey, which work is inconsistent with the purpose for which the Geological Survey was created.

Mr. WILEY of New Jersey. Mr. Chairman, I move to amend the amendment offered by the gentleman from Nebraska by striking out the words "one hundred" and inserting the words "one hundred and fifty."

The CHAIRMAN. The gentleman from New Jersey offers an amendment, that the Clerk will report.

The Clerk read as follows:

Insert, after the words "one hundred," the word "fifty;" so that it will read "\$150,000."

Mr. WILEY of New Jersey. Mr. Chairman, I want to say in the outset that I have been struggling for three days with the physical grippe and also the grip of the Appropriation Committee, waiting to get in this amendment. Of the two grips, I prefer the former. I have received in that time this bundle of letters from engineers all over the United States, all urging that this appropriation should not be diverted. I want to say right here that the gentleman from Minnesota is absolutely in error as to his statement about the Watertown Arsenal. It can not at present test a reinforced concrete beam, for it is a horizontal testing machine. It has never tested one and never will test one until certain changes are made in their machinery, which will cost more than the \$35,000 which is in the appropriation.

Mr. TAWNEY. If the gentleman will pardon me, General Crozier stated to the committee, and I think his word is worthy of consideration, that they were testing reinforced concrete and testing all kinds of reinforced concrete, and because of the increased work that is now going on in the testing plant at the Watertown Arsenal the estimate of General Crozier, who has charge of the plant, there was an increase of \$20,000 in the appropriation for that work, so as to extend it to carry on the work, and the Committee on Appropriations has recommended and the House has approved of that increased appropriation.

Mr. WILEY of New Jersey. Mr. Chairman, all that has been said about the Watertown testing machine is quite true, but the main fact has not been touched on at all. I stated to the House that it was a horizontal machine. Any tests involving tensile strength it can carry on perfectly well, nor is there any trouble about testing for compressive strength; but in regard to testing for vertical strains, it is not equipped for that. Of course it can be equipped for it, but the St. Louis machine is already equipped for it. And when the gentleman speaks of duplication of work, that is exactly what he is doing. He is duplicating work that is now being satisfactorily done, in the opinion of the leading engineers of the United States, by putting up apparatus to do this work at Watertown.

Mr. TAWNEY. Who is doing the work—

Mr. WILEY of New Jersey. I can not be interrupted by anybody unless he is bigger than I am. [Laughter.] The location of St. Louis is almost in the exact center of this country, and on account of this central location the saving in transportation of material to be tested exceeds \$20,000 per annum. However, I have not time to make a speech, but I am going to read two or three letters here from men distinguished in their profession, and I am going to read their names. Here is a telegram which reached me this morning:

NEW YORK, February 23, 1907.

Hon. WILLIAM WILEY,  
House of Representatives, Washington, D. C.:

It is of the utmost importance to public interests that the investigation of structural materials, particularly with reference to reinforced concrete now being carried on at St. Louis by the Geological Survey, should be continued by the same agency and on an adequate scale. The appropriation should not be less than \$100,000. The investigation is now being carried on by the most competent experts in the country, and would lose a great part of its value if placed in other hands.

ALFRED NOBLE.

I will also quote the following. Capt. John S. Sewell, Corps of Engineers, United States Army, stated in the hearings for 1907 (p. 686) before the Appropriations Committee on the sundry civil bill as follows:

There was a good deal of discussion a while ago about the testing station in Watertown. I think the main purpose of that testing machine is for the test of metals used for the production of ordnance



material, and they have no facilities there for making the transverse tests—that is, taking a beam and breaking it.

Mr. Bernard R. Green, superintendent of the Library of Congress building, stated in the same volume of the hearings (p. 686) in speaking of the Watertown testing machine for testing ordnance materials:

I do not think anything has been built equal or superior to it. But it is a machine, nevertheless, that is limited in capacity and in range of efficiency. It is a horizontal machine and so not a good machine to test columns with. A vertical machine is needed for that.

Also the following letters referring to the Watertown testing machine:

UNIVERSITY OF PENNSYLVANIA,  
Philadelphia, Pa., May 10, 1906.

MY DEAR SIR: I sincerely hope that the committee will see fit to make a favorable recommendation in the matter of an adequate appropriation for the continuation of the work initiated at St. Louis. That the need of such investigations carried on on an adequate scale, under proper auspices, is great is unanimously conceded in well-informed circles, and there are probably few who will consider it feasible, for reasons on which I need not enlarge, to conduct such under other auspices than those of the National Government.

As to the possibility of conducting such investigations on a scale in any way commensurate with their importance at the Watertown Arsenal, as at present equipped and under existing conditions of pressure on its limited facilities, it is, I feel sure, out of the question. Moreover, the principal machine at that laboratory, namely, the horizontal Emory machine, is not well adapted to bending tests on large reinforced concrete beams. I should suppose that an adequate enlargement of the existing facilities at Watertown would entail practically as large an outlay as would be required for the enlargement of your facilities at St. Louis. The latter location is geographically a central one, and, for that reason, offers advantages that will become increasingly important as the work develops.

I can not otherwise than think that the committee will recognize the validity of the representations in support of the proposition made by those who stand personally in a wholly disinterested attitude toward this matter.

Very sincerely, yours,

EDGAR MARSBURG,  
Professor of Civil Engineering, University of Pennsylvania;  
Secretary of American Society for Testing Materials.

BOSTON, MASS., May 25, 1906.

I approve statement of Professor Marsburg.

G. F. SWAIN,  
Professor of Civil Engineering,  
Massachusetts Institute of Technology.

UNIVERSITY OF ILLINOIS,  
Urbana, Ill., May 21, 1906.

DEAR SIR: I agree with your estimate of the importance and value of the proposed investigation of structural materials. I am also of the opinion that a separate organization along the lines proposed for making this investigation will be much more efficient and productive of better results than would be obtained by putting the work in the hands of an organization which is engaged in doing other work.

Concerning testing machines there seems to be no question that a horizontal testing machine (like that at Watertown Arsenal) is not adapted for work with concrete specimens and that vertical machines should be used. It is also true that to conduct experiments of any magnitude a number of these machines must be available.

I hope the appropriation will be made. It is for a good cause. I am ready to assist in the furtherance of such work.

Yours, truly,

A. N. TALBOT,  
Professor of Municipal and Sanitary Engineering,  
in charge of Theoretical and Applied Machines.

FRICK BUILDING, Pittsburg, May 22, 1906.

MY DEAR SIR:

The principal work done at the Watertown Arsenal laboratory in the past has been on iron and steel, both in small members and in full-size members, such as beams and columns, and quite valuable and extensive work has been done in that line. \* \* \* with the horizontal testing machine. \* \* \* Such a machine is not suitable for testing concrete beams, as that takes a vertical machine. \* \* \* In my judgment the work planned for the laboratory at St. Louis is a distinct field by itself, and it in no way interferes with the chosen field of the Watertown Arsenal laboratory. \* \* \*

Yours, very truly,

EMIL SWENSSON.

UNIVERSITY OF WISCONSIN,  
COLLEGE OF MECHANICS AND ENGINEERING,  
Madison, May 23, 1906.

DEAR SIR: I note the suggestion that the concrete work might be done at the Watertown Arsenal. I have no doubt it is possible to do the work anywhere with the proper equipment and attention, but that it would be done at Watertown within any reasonable time is not to be hoped for. It seems to me to carry the work on satisfactorily it is absolutely necessary to have two or more machines of about 200,000 pounds capacity especially adapted for beam work. For column work a capacity of at least 1,000,000 is very desirable, and for the most satisfactory operation a vertical machine is preferable. In my judgment it is a physical impossibility to carry on the work with reasonable speed with the single Watertown machine.

Trusting you will succeed in convincing the committee of the desirability of a special appropriation for this work, I am,

Very truly, yours,

F. E. TURNEAURE, Dean.

Mr. SULLIVAN. Mr. Chairman—

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that

the gentleman from New Jersey may proceed for five minutes more.

Mr. UNDERWOOD. I demand the regular order.

The CHAIRMAN. Will the gentleman from Massachusetts yield to the gentleman from New Jersey?

Mr. SULLIVAN. I yield. I supposed that the gentleman from New Jersey had concluded his remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from New Jersey proceed for five minutes. Is there objection?

Mr. UNDERWOOD. I object.

Mr. SULLIVAN rose.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts.

Mr. WILEY of New Jersey. Mr. Chairman, if I make a motion to strike out the last word, will I not be recognized for five minutes more?

The CHAIRMAN. Yes; the gentleman will be recognized.

Mr. UNDERWOOD. Oh, Mr. Chairman, I make the point of order that there is an amendment to the amendment already pending, and it is not subject to another amendment.

The CHAIRMAN. The Chair had overlooked that fact. The gentleman from Massachusetts is recognized.

Mr. SULLIVAN. Mr. Chairman, I assume that the gentleman from New Jersey [Mr. WILEY] is an expert in this matter, and I only wish that his testimony had been given so that we upon this side of the House could have heard it. I judge, however, from the few stray words I got, that he said there was some test which was not made at the Watertown Arsenal. I do not know what kind of a test that is, but I desire to read, for the information of the House, the kind of tests that are made there. There is the compression test, the test of tensile strength, an impact test, called a dynamic test, by the dropping of weights, an alternating stress test, where power is applied to a revolving bar or axle, a test under the influence of heat, a test under the influence of cold. Then there is what they call a transverse test.

Mr. WILEY of New Jersey. Will the gentleman please explain the transverse test that they have on that machine?

Mr. SULLIVAN. Yes; and I shall yield a part of my time to the gentleman. All of these tests, so far as the committee knows, which are necessary to be made are being made at the Watertown Arsenal. It is a splendidly equipped plant for this service. The machine there is the best in the world. It was installed in 1879, and there is no other in the world to equal it. In order to give the House some idea of the apparatus at that arsenal for the making of tests, and also of the character of materials which are tested, I will ask the Clerk to read from the hearings the marked parts on pages 473 and 474, which I send to the desk.

The Clerk read as follows:

WATERTOWN ARSENAL,  
Watertown, Mass., May 12, 1906.

The CHIEF OF ORDNANCE, U. S. ARMY.

Washington, D. C.

SIR: I have the honor, in complying with your instructions of the 2d instant, to submit the following data upon the Watertown Arsenal testing laboratory:

(1) Apparatus:  
Eight hundred thousand pounds emery testing machine, for tension and compression, loads on members up to 25 feet in length.  
One hundred thousand pounds emery testing machine, tension and compression loads, samples 5 feet long.  
Impact testing machine, 20 feet per second striking velocity, 60,000 pounds, chabotte and base.  
Repeated stress machine, 4 spindles at 500 rotations per minute, 1 high-speed spindle of 600 rotations per second.  
Ball-bearing machine, thrust shafts.  
Cement briquette machine.  
Comparator, end standard and line standard measurements, 100-inch capacity, differential and microscopic movements.  
Metallographic outfit, microscopic lenses and accessories.  
Extensometers, dial, arc, and screw micrometer, with electric contact.  
Micrometers for interior and exterior diameters.  
Micrometer for determination of internal strains in steels.  
Astronomical level and micrometer beam.  
Pyrometers, thermoelectric and mercurial thermometers.  
Electric and gas furnaces.  
Air compressor.  
Electric traveling crane, for handling full-size test pieces.  
Machine shop, equipped for micrometer work and preparation of test samples.  
Mixing beds and tanks for cement and concrete investigations.  
Fixtures for long-continued and endurance tests of concretes, plain and reinforced.  
Chemical laboratory, fully equipped.

Mr. SULLIVAN. Now, I will ask the Clerk to read also those parts marked on page 474 of the hearings, which gives a list of the materials tested by this apparatus.

The Clerk read as follows:

American woods: All native woods furnishing sticks 3 feet long, also full-size columns of the principal timbers of the Northern and South-

ern Atlantic States, the Middle States, and the States of the Pacific slope.

Bridge columns—latticed, box, web plates, and angles.  
 Steels at different temperatures, zero to 1,600° F.  
 Cordage—hemp, manila, sisal, cotton, and steel wire.  
 Building stones, bricks, and clay products; brick piers.  
 Steel, heat and mechanical treatment of, ingots and forgings.  
 Cements, mortars, and concretes, plain and reinforced.  
 Respecting the industrial tests now under investigation—Ingot steel and forgings therefrom, cements and concretes—special mention will be made of the latter group.

Comprehensive cement and concrete tests have been in progress during the past six years. The importance of cement construction to the industrial resources of the country was recognized, and this important series of investigative tests inaugurated in consequence thereof. Original lines of inquiry have been pursued on fundamental questions pertaining to the physics of cements. At the present time the tests have reached the subject of concrete columns, plain and reinforced. All types of modern concrete column construction are included, much of the special reinforcing material having been furnished by the engineering firms engaged as specialists in this work, who are cooperating with this laboratory in advancing the work.

Mr. SULLIVAN. Mr. Chairman, just a single word in conclusion as to these tests by an expert of the highest order. The late Professor Johnson, of Washington University, St. Louis, in his book, *The Materials of Construction*, says:

There are to-day a few exceptionally fertile sources of exact information on subjects pertaining to materials of construction, prominent among which may be named the annual publication of the results of tests made at the United States Arsenal, Watertown, Mass., beginning in 1882.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I shall have to object, inasmuch as I objected to the request of the gentleman from New Jersey.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey be given five minutes in which to conclude his remarks. He was interrupted and rather disconcerted. He is a practical man, I think, and I think he can give us some information.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, reserving the right to object, I will ask unanimous consent that the limit of debate on this paragraph may be ten minutes, divided between the gentleman from New Jersey and the gentleman from Massachusetts.

Mr. KEIFER. Oh, I should have to object to that.

Mr. SULLIVAN. I would like just one minute.

The CHAIRMAN. The Chair will state the parliamentary situation. The gentleman from Nebraska [Mr. NORRIS] offered an amendment. The gentleman from New Jersey [Mr. WILEY] offered an amendment to that amendment. The Chair recognized the gentleman from New Jersey in favor of his amendment and the gentleman from Massachusetts in opposition to it. Debate on the amendment to the amendment can not proceed now except by unanimous consent, but it will be in order after the amendment to the amendment has been disposed of. Then there will be five minutes' debate on either side on the original proposition, and, of course, the gentleman from Nebraska, who offered the amendment, will be entitled to be heard in support of it. The gentleman from Tennessee now asks unanimous consent that the gentleman from New Jersey may proceed for five minutes. Is there objection?

Mr. UNDERWOOD. I shall object unless debate on this paragraph is limited. If limitation can be secured, I will not object, but if it can not I demand the regular order.

The CHAIRMAN. Objection is made.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and amendments be closed in fifteen minutes.

Mr. NORRIS. I think the chairman of the committee after he has been heard—

The CHAIRMAN. The Chair did not catch the motion. The gentleman from Minnesota moves that all debate on the paragraph and amendments thereto be closed in fifteen minutes.

The question was taken; and the motion was agreed to.

Mr. GAINES of Tennessee. Now, I ask unanimous consent that the gentleman from New Jersey [Mr. WILEY] be given five minutes.

The CHAIRMAN. The Chair will recognize the gentleman from New Jersey for five minutes.

Mr. BARTHOLDT. Is that to come out of the fifteen minutes?

The CHAIRMAN. Yes.

Mr. BARTHOLDT. I want five minutes myself.

The CHAIRMAN. The Chair will state the Chair had in mind giving the gentleman from New Jersey five minutes, the gentleman from Missouri five minutes, and the gentleman from Nebraska five minutes.

Mr. WILEY of New Jersey. Mr. Chairman, I will give the committee an object lesson of the reason why the Watertown machines can not test a reinforced beam. The Watertown machine is a hydraulic machine with hydraulic power, and the power is applied at the ends, developing tensile or compressive strains, whereas to test a reinforced concrete beam for vertical pressure it is placed in the position in which the beam would be when in its place in the building under construction and tested for the strains it would be subjected to in such position. When a concrete beam is tested at the Watertown Arsenal for vertical strains it must be laid on its side and hydraulic pressure applied at the ends. The weight of such beam then becomes a factor in the result, but in the St. Louis plant this weight does not apply, since the beam is in its normal position. Now, there is an objection to the hydraulic pressure, which I will state later. The Watertown machine when it was made thirty years ago was a very perfect piece of apparatus, but it is now out of date.

The testing plant at St. Louis is thoroughly equipped and will test beams of 30 feet in length. They test them for any strain they desire. The beam is supported at the ends or in the middle, or supported at intermediate points, as may be desired, simulating the existing conditions under which the beam will rest when in position in the building, and then the desired pressure is applied by screws. There is a great difference between the application of hydraulic pressure and that of screw pressure in that when the screws are set and the desired pressure has been applied they will remain set, and the pressure is a constant factor, thus determining the strength of the beam under what is called a "fixed load," which again simulates the strains it would be subjected to when in its position in the building. Of course, if strains under variable load are desired—and this is the problem many engineers most desire to see solved—the pressure may be varied or changed from point to point and these additional strains thus developed determined. This can not be done under hydraulic pressure, for, in addition to the fact that the beam can not be tested in its proper position, as already stated, hydraulic pressure is not a uniform quantity. The reason for this is there is always a chance for leakage, which would change its entire character, and this is not the case where pressure is obtained by means of screws.

I have a great number of letters—

Mr. LITTAUER. Will the gentleman permit a question? For whom are these various vertical tests performed?

Mr. WILEY of New Jersey. I do not know for whom they are performed. I know they are aids to the engineering knowledge of this country and abroad. However, I know nothing about the details of the testing at St. Louis.

Mr. TAWNEY. How are we going to expend \$100,000?

Mr. WILEY of New Jersey. We could spend \$150,000. Mr. Noble says it ought not to be less than \$100,000. The last time this bill was up I had an amendment to allow private firms to have tests made by paying the expense of such tests, but the gentleman from Minnesota would not allow it to go into the bill.

Mr. WEEKS. Do you think if the Fuller Construction Company wanted beams tested the Government ought to test them?

Mr. WILEY of New Jersey. I am not going to answer any such question as that. I do not know what the Government ought to do.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. WILEY of New Jersey. That is just what I thought would happen. I would like to extend my remarks in the Record.

The CHAIRMAN. The gentleman from New Jersey has already been given unanimous consent to extend his remarks in the Record.

Mr. WILEY of New Jersey. Mr. Chairman, one difference between a statesman and a politician is that the former takes a broad view in legislation regarding its effects on the whole country, while the latter views it simply from its probable effect in his own district and whether it will help or hinder his chances for reelection. Therefore I hope and, indeed, believe there are more statesmen than politicians in this House, for it is only by a broad view that one can realize the scope and the accomplishments of the Geological Survey.

Just why there should be any hostility, seeming or real, toward the Geological Survey in the House is a matter I can not understand, nor why there is a disposition to cut down their appropriation or to delegate their tests to another Department. Any withdrawal of funds at the present time is not only to be deplored, but will prove most disastrous and expensive, much more so than the amount withdrawn represents.

A series of experiments and tests have been undertaken and



are partly completed. The amounts required for this purpose have been carefully computed and given to the committee; the forces of skilled men have been assembled and the work committed to their charge; and to cut down the estimate would mean to abandon a number of investigations whose completion is not only sought for by the engineering profession of the country, but is needed by the United States Government itself, since all tests are at present confined to Government materials. Take, for instance, the tests on material needed for the dams and locks on the Panama Canal, representing \$40,000,000, and also bearing in mind the United States Government spends on building and construction work \$25,000,000 per annum. It has been estimated by the Supervising Architect that the tests already made have saved the Government 10 per cent at least, so that the saving already exceeds by far the estimated appropriation of \$100,000 to continue this work. The investigations at St. Louis, although under the management of the Geological Survey, are conducted by a board on which are representatives of the Navy Department, War Department, Treasury Department, and the Reclamation Service. The following list shows some of the material investigated:

(1) An examination of the cements, cement materials, sands, gravel, stone, clays and clay products, and other materials available for use in Government building and construction work in different parts of the country. (2) Examination and testing of concrete, reinforced concrete, etc., made of these various materials obtained in different parts of the country. (3) Steel rods and beams of different sizes and types used in reinforced concrete construction work. (4) The fireproofing and fire-resisting qualities of materials needed for use in Government building and construction work obtainable in different parts of the country. All of these investigations are intimately and inseparably associated with the building-material resources of the country, and hence are properly a part of the work of the Geological Survey.

On June 2, 1906, Gen. O. H. Ernst, of the Panama Canal Commission, and Mr. Taylor, Supervising Architect, and other members of the supervising board sent a letter to the President of the United States, from which the following extract is made:

When it is remembered that the yearly losses from fire in the United States aggregate \$2.30 per capita, as compared to 33 cents per capita in European countries; that the fire losses in the United States during the past ten years have aggregated not less than \$1,250,000,000; that the people expend annually in building and construction work \$1,000,000,000, and that this Government itself expends annually for such purposes more than \$20,000,000, it is apparent that this whole subject deserves the most serious consideration by the Government.

This committee furthermore begs to express the opinion that a thorough investigation of the properties of the materials of construction and fireproofing and the resulting increased economies in our systems of construction may be expected to save annually from 5 to more than 10 per cent of these total expenditures, which would mean an annual saving to the Government alone on its present expenditures of from one to two million dollars and to the people of this country a saving of many millions each year.

The plant itself covers about 2 acres of ground at St. Louis, on which are three buildings, containing five large testing machines and some smaller ones. There are sixty experts and ten laborers, all specially trained for this work. The location at St. Louis is advantageous as being about in the industrial center of the country. Moreover, the southern and western railroads transport this material, aggregating 100 carloads, without charge, while to carry the same material East would involve from \$15,000 to \$20,000.

A distinguished engineer, Mr. George S. Webster, chief engineer of Philadelphia, wrote me, under date of February 13, as follows:

DEAR SIR: As a member of the committee on concrete and reinforced concrete, I am very much interested in the continuance of the appropriation of \$100,000 for carrying on the investigations of concrete and reinforced concrete at the United States Geological Survey laboratories at St. Louis, the appropriation to continue the work to be available until June 30, 1908.

The various laboratories in the country have not the requisite equipment for the carrying on of investigations on such a scale as will secure information as to the properties of cement in a reasonable time. The equipment of the laboratories at St. Louis is superior to those of any other laboratory in this country and possibly abroad. The work is well organized, and it would be a serious mistake to discontinue or reduce the present appropriation of \$100,000.

The only other Government laboratory of importance is that at the Watertown Arsenal, and this laboratory was equipped for testing other materials, principally steel, and its horizontal machines are not adapted for testing beams, columns, and test pieces of concrete.

I sincerely trust, therefore, that the present Congress will make adequate provision for the continuance of the work at St. Louis, so that the work which is being done there in investigating structural materials may be completed.

I make in this connection an extract from a letter of February 13 from another eminent engineer, as follows:

For ten years I was connected with the building authorities of the city of New York, the latter five years of that time as the chief engineer of the bureau in the borough of Manhattan. During that time I was

in a position to fully realize the importance of the investigations that are being made at St. Louis. The inquiries concerning reinforced concrete during that time from all parts of the country, especially from the building bureaus of the various cities, were numerous, showing a great want of knowledge and a desire for information on this subject. The work at St. Louis is what is needed to supply this want.

You understand fully the important position that building construction occupies among the industries of this country. And when we remember the danger to life from bad construction due to incomplete and inaccurate information concerning structural material, it is easily seen that the work of the laboratory at St. Louis is for the common welfare and not for a particular class. It seems to me, therefore, a very necessary as well as an entirely proper function of the Government.

The only other governmental institution in any way fitted for investigations of this kind is the laboratory at the Watertown Arsenal. But that laboratory is equipped especially for tests on ordnance materials, and other tests are therefore only incidental and can be made only when they do not interfere with the regular work of the laboratory. The tests that are made on concrete lack the systematic character so necessary to secure comparable results. They consequently do not have the value of those made in accordance with a prearranged plan, such as is possible in a laboratory devoted to the one purpose. In my official capacity I visited the Watertown Arsenal to inform myself on the work along the line of structural material, and the lack of facilities for systematic research struck me at that time. Do not think for a moment that I would discredit in any way the work that is being done or has been done at Watertown, for I have full confidence in its reliability, but for satisfactory results the tests must be the main object of a laboratory and not an incident.

A distinguished member of the Appropriations Committee suggested these tests properly belonged to the Bureau of Standards.

Now, aside from the manifest detriment of transferring from a Department already equipped and engaged in the work to one not equipped at all, it may be stated the Bureau of Standards was never designed for any such investigations. Its function is to determine what is the standard of length or of capacity, but in no way to deal with matters affecting geology. It is not enough to determine the characteristics of certain rocks suited for making cement or concrete or any other materials used in construction, but the character of other rocks near by, underlying or superimposed upon the cement rock, must be studied and their effect on the probable thickness or extent of the vein determined. This is one of many other geological aspects which ought to be known to reach a satisfactory result.

Besides, both the Bureau of Standards and the Watertown Arsenal are engaged in making routine tests required for use by the Government. It has never been found practicable to carry on work of this character in conjunction with investigations of the properties of structural materials, and it is well known that in carrying on such investigations men must devote their entire time to the work, as it is not practical to drop it temporarily and resume it again, as is done in routine tests. In other words, testing materials must be a continuous performance. This would necessarily mean the maintenance of two separate squads, and there would be more or less interference with both the regular and routine work and that of the investigations. It is therefore immeasurably better to have the work carried on under such conditions that are not interfered with by routine work, such as prevail at St. Louis under the direction of the United States Geological Survey, where the men devote their entire time to the one subject, viz, the investigation of the properties of these materials.

Finally, to obtain any such results as are desired through the medium of the Bureau of Standards would imply thorough equipment, which must be a duplication of that at St. Louis which is already in operation, and a force of trained men, who could only be efficient after an experience of several years; hence, the results would be delayed during such time.

As to the Reclamation Service, it may be said that the determination, through these tests, of material suited for construction located near the points where it was to be used have already saved the Government nearly \$1,000,000, much of which was represented by the diminution of the transportation charges.

In this connection, one item alone affords proof of this statement. Two hundred and fifty thousand barrels of cement will be required in the construction of the Roosevelt Dam at the Tonto Basin. The contractor's price for this originally was over \$9 per barrel. By locating material at the site and equally suitable for the purpose this price was reduced at once by the contractor to \$4.81 per barrel, but the Government itself is obtaining cement for about \$1.75, which includes cost of transportation.

The Watertown Arsenal equipment was installed primarily for testing steel. The present machine was installed about thirty years ago, and is not regarded as a modern type of machine, and is not adapted for the character of work which is being done at St. Louis, for the reason that in testing columns the column has to be placed in the machine in a horizontal position, and it is necessary to apply counterweights in order to relieve the bending strains, due to the weight of the column itself and its preservation in a true horizontal position. This introduces an error which can not be accurately determined.



Moreover, the Watertown machine, I understand, has never been calibrated since its installation in 1879, which, of itself, would throw doubt on any results obtained by its use, and it is also a hydraulic machine, which is not, in current practice, regarded as the best type for accurate work in contrast with the St. Louis machines, which are screw machines. Being a hydraulic machine, it is impossible to carry a constant load on the test piece for any length of time, due to leakages around the packing, while the St. Louis machines, being screw ones, can maintain indefinitely the pressure applied.

Furthermore, the different laboratories, to possess the requisite equipment, would have to secure it and install it, which would take considerable time, so that it would probably not be less than six months before they can begin investigations. It is necessary, in cement tests, to have the sample stored under uniform conditions. Such storage places are already provided in St. Louis and are in constant use.

It has been presumed by some who have combated this view that the tests at St. Louis are practically completed. That this is an error may be seen from the following considerations: Many of the beams under test have been arranged to have the test continued without intermission for upward of twelve months, and only a small portion of this time has elapsed. To cut down this appropriation at present would mean that all the conclusions which are to be drawn from these facts would have to be abandoned, inasmuch as the time covered by the appropriation would expire before the tests had been completed, and it is, therefore, evident that the several hundred test pieces which have been prepared to meet these conditions have not been in storage sufficient time to prepare them for the tests designed, and the results of the work in preparing these test pieces would be lost. Reinforced concrete beams are prepared and stored for various periods, from one month to twelve or eighteen months, before testing. The conditions under which they are stored must be uniform or the test is of no value. They are then tested at the proper time and the strains determined—the effect of the concrete on the steel reinforce and of the steel on the concrete. The buildings at St. Louis contain many such pieces stored till the proper time for testing shall elapse.

Furthermore, in testing beams, there are no appliances at the Watertown Arsenal which are suitable, and to test beams in a horizontal machine of this character would be applying crude methods, to say the least. The reason why this horizontal machine is not adapted at all for making tests of concrete beams lies in the fact that a beam would necessarily have to be placed in on its side, which would produce a flexure in the opposite direction for which the beam would be designed. Besides, the weight of the beam, which would ordinarily be a factor in its strength, would come on the side of the beam instead of in its usual position, and this would introduce two variables which would make such determinations practically worthless.

Even were this machine adapted for these tests, it would be impossible to make on one machine tests with sufficient rapidity to furnish the required information except after a long series of years. It would be necessary, therefore, to add additional equipment to the Watertown Arsenal in order that they might undertake these tests on a scale commensurate with their importance, and that they might be executed within a reasonable time, and such additions would involve an expense much greater than the entire appropriation which is proposed.

The force at the Watertown Arsenal would be utterly inadequate for carrying on these additional tests, and it would be necessary to secure additional assistants, which must necessarily be trained before they can be efficient, thereby delaying the securing of results. Also, it is necessary to have storage facilities, machines for mixing, and other appliances in order to carry on the tests in a satisfactory manner, and this equipment does not exist at the Watertown Arsenal to-day. The St. Louis laboratory has the equipment, has the organization, and is carrying on the tests, and there is every logical reason why the work should not be checked, but should continue, and, above all means, avoid a duplication of this work by increasing the equipment at the Watertown Arsenal or any other Government laboratory, which at the present time possess no equipment for the work.

One gentleman on the Appropriations Committee stated to me that an expert had told him reinforced concrete was known for a hundred years and all information respecting it had been obtained that engineers desired some years ago. I was unable to obtain from him the so-called "expert's" name, but I told him if this gentleman existed he had put himself against the united wisdom of both the engineers and architects of the present time, and reminded me very much of the intelligent contra-

band who used to come "from the front" in war times and tell all in the minds of the general respecting engagements which were past and the ones they were determining for the future. As a matter of record, the first concrete beam was made in 1889 on the Pacific coast, and the first house in which the walls were reinforced by concrete was built in 1875, being the residence of Mr. W. E. Ward, of New York City. I would simply add in this connection the remark of Huckleberry Finn, to the effect, "It is better not to know so many things than to know a lot of things that aren't so." There has been more misinformation and erroneous so-called "expert testimony" given on the floor of the House during this debate than in any similar period in my experience as a Member.

Surely all these reasons ought to be convincing to this House that any attempt to reduce this appropriation is not only undesirable, but also criminal—not a crime, but a blunder.

The difficulty in the minds of some of the Appropriations Committee is due to the fact that the Geological Survey deals in exact methods and carries out this practice even to preparing its estimates. They are the exact amounts needed to prosecute its work, and surely there is no Member of this House competent to pass on this question, which has been settled after long and frequent conferences with the heads of the various departments of the Geological Survey. Any variation in the interest of a so-called "economy" will prove to be the greatest extravagance and involve a loss to the Government that can hardly be estimated, as well as a loss to science.

I will finish these remarks by quotations from letters from the various persons interested whom I was able to reach during the last three days. Some of these gentlemen have expressed their opinion to the Senators and Representatives from their State, and I give extracts from their letters bearing on both structural materials and fuel tests, which were in response to a circular letter I sent out, which I give below:

COMMITTEE ON THE DISTRICT OF COLUMBIA,  
HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., February 20, 1907.

MY DEAR SIR: You have doubtless noticed from the press dispatches that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives, no appropriation is recommended for the continuance of fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years, and in which the members of the American Society of Mechanical Engineers have been greatly interested. Last year Congress appropriated \$200,000 for this work, and this year \$250,000. Another appropriation of \$250,000 is asked for continuing this work during the next year.

In view of the importance of this work and the fact that a number of new investigations have only been begun recently under the supervision of members of the society, the discontinuance of these investigations at the present time would be little short of a misfortune to the country.

I know that every member of the American Society of Mechanical Engineers realizes the importance of this work and wishes to have it continued until a number of important fuel and combustion problems can be definitely solved, and I feel certain that you will take pleasure in helping to accomplish this result. If such is the case you can best do this by immediately telegraphing and writing to one or more Members of Congress and the Senators from your State, calling their attention to the importance of this subject, and asking for their cooperation in securing the full appropriation estimated (\$250,000) in the sundry civil bill for the continuance of these investigations during the next fiscal year. The matter will probably be voted on in the House of Representatives during the latter part of this week and in the Senate a few days later.

You will doubtless be glad to know that in addition to the three-volume report on these fuel investigations which was published last year, four special reports, embracing the accumulated results of the investigations during the past two years, are now about ready for the printer, and will be published at an early date.

Please mail me copies of such telegrams and letters as you may send on this subject in order that I may act advisedly in endeavoring to carry out the well-known wish of the members of the society that ample provision be made for continuing these important investigations.

Yours, very truly,

WM. H. WILEY, M. C.,  
Member of American Society of Mechanical Engineers  
and Member American Society of Civil Engineers.

A similar letter was addressed to civil engineers regarding the tests for structural material.

DEPARTMENT OF CIVIL ENGINEERING,  
MASSACHUSETTS INSTITUTE OF TECHNOLOGY,  
Boston, Mass., February 15, 1907.

Hon. W. H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: I am much interested in the work which the United States Geological Survey is doing at the testing station in St. Louis, and I sincerely hope that the Government will renew the appropriation of \$100,000 which was made last year. I do not think I need to urge upon you the desirability of tests for the cements and concretes and other materials which are the products of our mines and quarries. I understand that the equipment of the structural-materials laboratory at St. Louis is as complete as anything of the kind in the country and the work well organized. In this case it would be a great pity to curtail or discontinue it.

The laboratory at the Watertown Arsenal is equipped particularly for tests of steel, and, I understand, kept quite busy doing work of this kind. They have also made some tests of concrete and are now testing some concrete columns. The work at St. Louis, however, is much



more extensive in the testing of cement materials, and I earnestly hope that Congress will not curtail it in any way.

With sincere regards, believe me, very truly, yours,  
GEO. F. SWAIN.

NEW YORK, February 16, 1907.

Maj. WILLIAM H. WILEY,  
Member of Congress, Washington, D. C.

DEAR SIR: I am sorry to hear, from your communication of the 14th, that the Appropriation Committee intends not only to cut down the appropriation for the work at St. Louis from one hundred thousand to fifty thousand, but also to divide this smaller amount between the St. Louis laboratory and the Watertown Arsenal. That seems to me to be a grievous mistake. The results of the investigations will fail to be the most satisfactory unless the work is done under uniform conditions, which, in my opinion, is not likely when the work is divided as proposed.

I have not had an opportunity to examine the equipment of the St. Louis laboratory and can only rely on what information has been given by those connected with the work and by the technical press. You are probably better informed in that matter than I. But I am sure that the apparatus of the St. Louis laboratory is more modern and better suited to the work.

Not only do I deplore the intention of dividing the appropriation, but I think it is false economy to cut the appropriation from one hundred thousand to fifty thousand, as proposed. The smaller the funds available to the laboratory the longer must the result of the investigation be delayed.

I sincerely hope that you may succeed not only in preventing the splitting of the appropriation, but also in securing the original amount.

Yours, truly,

RUDOLPH P. MILLER.

AMERICAN LOCOMOTIVE COMPANY, RICHMOND WORKS,  
Richmond, Va., February 21, 1907.

Hon. WILLIAM H. WILEY,  
Member of Congress, Washington, D. C.

DEAR SIR: Replying to your circular letter, I am handing you copy of a letter which I have written to Hon. JOHN LAMB.

Yours, very truly,

V. Z. COWARSIST.

FEBRUARY 22, 1907.

Hon. JOHN LAMB, Washington, D. C.

DEAR SIR: As a member of the American Society of Mechanical Engineers I am very much interested in the fuel investigations which have been undertaken by the Geological Survey, and I would respectfully ask that you would give the sundry civil appropriation bill, of \$250,000 for continuing this work, your support.

The results of the investigations so far have proven of material assistance to not only mechanical men, but manufacturing industries, inasmuch as it can be used as a basis for ascertaining the actual fuel value of the different coals.

Thanking you in advance for anything which you may consistently do in this connection, I am,

Yours, very truly,

PARKER BOILER COMPANY,  
Philadelphia, Pa., February 21, 1907.

Hon. WILLIAM H. WILEY, M. C.,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I sincerely hope that an appropriation will be made for continuing the fuel investigations and tests at St. Louis. We have been using the data already published, and if the work is continued the results will be very valuable; otherwise the work already done will be largely wasted.

At present only the largest power users and boiler builders can afford to make the expensive tests required to determine the best method for burning fuels, and we find that even they are not in accord and know relatively little. This is due to lack of cooperation and to the heavy expense which makes the problem one that only the General Government is competent to cope with.

As a comparative newcomer in the field of fuel utilization—five years on gas engines, ten years on boilers—I am astonished to find how little has been done toward securing consistent and useful data as a standard for reference. I find the biggest and greatest engineers more or less at sea on the subject. There is no agreement, no consistency, no proper cooperation.

The writer has recently been at work on this very problem and has been developing a power-house chart, a copy of which is inclosed. In attempting to fill this chart in we have found that there is no data in existence that can be relied on. This has led to the design of a coal-test chart, a copy of which is also inclosed, for purpose of coordinating various tests of the same coal; but we find this impossible because the tests have been run at different times under different conditions, which make the results appear to be contradictory when brought together. The records are also full of tests by persons whose main object is to exploit some particular type of apparatus, and such tests are apt to be misleading.

We have been trying to get some of the big companies to cooperate to secure at least a few standard results, but find them loath to spend money for the benefit of the general public. The writer believes, however, that they could be got to cooperate by making tests in their own plants under the supervision of the Government test experts. This would add great value to the St. Louis work. What is particularly needed is a series of tests designed to determine the best rate of combustion for each grade of coal. These tests would be greatly to the advantage of the small fuel users, who are now largely at the mercy of all sorts of fakes and deceptions, which are only possible on account of the absence of accurate information.

We are writing all Members of Congress from this State, and California also, where coal is high.

Yours, very truly,

J. C. PARKER.

THE BALTIMORE AND OHIO RAILROAD COMPANY,  
OFFICE OF THE CHIEF ENGINEER,  
Baltimore, Md., February 21, 1907.

Hon. WILLIAM H. WILEY,  
Member of Congress, Washington, D. C.

HONORABLE SIR: Relative to your circular letter of February 20 regarding the sundry civil bill appropriation of \$100,000 for continuing

the structural materials investigations, I beg to inclose herewith copy of a letter I have written to each of the following Congressmen: Hon. J. B. FORAKER, Hon. FRANK C. WACHTER, Hon. SIDNEY MUDD, Hon. B. G. DAWES, Hon. J. A. BEIDLER, Hon. PINKNEY WHITE, Hon. C. H. GROSVENOR.

Yours, very truly,

D. D. CAROTHERS,  
Chief Engineer.

FEBRUARY 21, 1907.

Hon. B. G. DAWES,  
Member of Congress, Washington, D. C.

HONORABLE SIR: I understand that the sundry civil bill provides for an appropriation of \$100,000 to continue the structural materials investigations by the Geological Survey at St. Louis, Mo.

The geographical location of St. Louis seems to me to be the best adapted for this station, and the work being done is of such vital importance to the structural work carried on in the United States, that I feel the importance of continuing this station, and take the liberty of urging upon you a careful consideration of any transfer or change in the station at this time, and would strongly recommend that it be continued.

As a member of both the American Society of Civil Engineers and the American Railway Engineering and Maintenance of Way Association, I am sure that I voice the sentiments of all the members.

Yours, very truly,

Chief Engineer.

NEW YORK, February 21, 1907.

Hon. WILLIAM H. WILEY,  
Member of Congress, Washington, D. C.

MY DEAR SIR: Inclosed I send you a copy of a letter the original of which I sent to Mr. DUNWELL. This is in response to your letter of February 20.

Very truly, yours,

WILLIAM J. BALDWIN.

NEW YORK, February 21, 1907.

Hon. CHARLES DUNWELL,  
Member of Congress, Washington, D. C.

MY DEAR MR. DUNWELL: As Representative from my district, I write you on behalf of an appropriation in the sundry civil bill for the continuance of the fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years.

This matter is of immense importance to the engineers of the country. Congress has already appropriated \$450,000, and the work has reached a point where it is practically complete, but it will be of no service unless completed and published.

There is an item of \$250,000 in the pending appropriation for the coming fiscal year. I believe this has been reported adversely, and I am of the opinion that it is a great mistake. I hope that you will feel at liberty to speak in favor of the appropriation and save the work already done.

Very truly, yours,

WILLIAM J. BALDWIN.

PHILADELPHIA, February 21, 1907.

Hon. BOIES A. PENROSE, Washington, D. C.

DEAR SENATOR: In the sundry civil bill just reported by the Appropriations Committee of the House of Representatives, no appropriation appears to have been recommended for the continuance of the fuel tests and investigations which the Geological Survey has been conducting at St. Louis for the last two or three years. This work is, I feel, of great importance to the country at large, and especially to Pennsylvania, and I would ask your cooperation in securing an appropriation for the continuance of the same. The work is being carried out under the direction of members of the American Society of Mechanical Engineers, and is being conducted along lines which will ultimately develop a mass of invaluable information to all fuel producers and users.

Trusting that you may see your way clear to help this cause along, I am,

Very truly, yours,

A. C. WOOD.

PHILADELPHIA, February 21, 1907.

Hon. WILLIAM H. WILEY, M. C.,  
House of Representatives, Washington, D. C.

DEAR SIR: Your circular letter of the 20th to hand, and I have taken pleasure in writing a letter to Representative THOMAS S. BUTLER, who represents the district of Chester and Delaware counties, in which district I am a resident, and I am acquainted with Mr. BUTLER intimately, he having been a schoolmate of mine.

I took similar action last year in regard to this same matter, and I trust that the appropriation may be carried through this year, as the mechanical engineers of the country ask comparatively little of Congress in the way of appropriations for investigation when compared with some other interests of the country.

With my best personal regards to yourself, I am,

Yours, very truly,

W. P. DALLETT.

PHILADELPHIA, February 21, 1907.

Hon. THOMAS S. BUTLER, M. C.,  
House of Representatives, United States,  
Washington, D. C.

DEAR SIR: My attention has been called to what I consider a very important matter, namely, the omission of appropriation to continue investigations of fuel and problems of combustion at St. Louis, which were carried on and have been continued under the auspices of the Government since the St. Louis Exposition.

The results of these tests are of immense value to the mechanical and electrical engineers throughout the country, and also of immense importance to the public in the development of more efficient methods in the use of our natural fuel supplies and developing processes for handling the poor fuel supplies which are now utterly useless or being wasted.

The report which was published last year of the work done in 1904-5 is an exceedingly valuable contribution to the subject as far as it goes, and I am looking in eager anticipation for the reports, which are now about in the printers' hands, of the continuation of these tests. These books would be extremely valuable to me if I could have them here at the present time, as I have an important matter coming

up on Saturday of this week and could use them to advantage. Of course they will be of advantage when they are published, and I trust that you may consider this matter of vital interest to your constituents and see that an appropriation is made to continue this valuable investigation work at St. Louis.

Yours, very truly,

W. P. DALLETT.

PHILADELPHIA, February 21, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: Your favor of the 20th instant received, and I am gratified to cooperate in securing an appropriation for the fuel tests. I inclose you copy of a letter which I have addressed to Senator PENROSE and Representatives GEORGE D. MCCREARY and J. HAMPTON MOORE, of Philadelphia, and IRVING P. WANGER, of Montgomery County, in which I reside.

Yours, truly,

JOHN BIRKINBINE.

PHILADELPHIA, February 21, 1907.

HON. GEORGE D. MCCREARY,  
House of Representatives, Washington, D. C.

DEAR SIR: From the press dispatches I notice that in the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, no appropriation is recommended for the continuance of fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years.

It would be extremely unfortunate if these investigations should be halted before they are completed, and I trust that you may feel justified in supporting the effort which I understand is being made to secure an appropriation of \$250,000.

The relative value of our fuels is a question of moment to all interested in the material development of the country, and the determination of these appears to me to be a work which the General Government can with propriety undertake.

Yours, truly,

JOHN BIRKINBINE.

CONSOLIDATED GAS COMPANY OF NEW YORK,  
February 21, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your letter of February 20, I am inclosing herewith copy of letter to Mr. WILLIAM M. CALDER, M. C., as suggested by you in your letter.

Very truly, yours,

M. SHIEBLER,  
Assistant Engineer of Construction.

FEBRUARY 21, 1907.

HON. WILLIAM M. CALDER, M. C.,  
House of Representatives, Washington, D. C.

DEAR SIR: In reply to a request of yours some time ago concerning questions before the House in which I might be interested, would say that in looking over the report on the operation of coal-testing plant at St. Louis I note that no provision has been made for the carrying on of the investigation into the coal resources of this country.

I beg to state that I consider the reports of investigations made during the exposition at St. Louis to be among the most valuable literature published by this Government, and should think that, for the benefit of the engineering fraternity in general as well as for the public at large, an appropriation at least as large as that made in previous years should be made for carrying on the work.

Very truly, yours,

M. SHIEBLER,  
Assistant Engineer of Construction.

BALDWIN LOCOMOTIVE WORKS,  
Philadelphia, February 21, 1907.

Mr. WILLIAM H. WILEY,  
Member of Congress, Washington, D. C.

DEAR SIR: Replying to your letter of February 20, I beg to advise that I have written to the following Congressmen, as per attached copy: J. HAMPTON MOORE, H. H. BINGHAM, J. E. REYBURN, R. O. MOON, W. W. FOULKROD, GEORGE D. MCCREARY, BOIES PENROSE, P. C. KNOX.

Yours, truly,

S. M. VAUCLAIN, Superintendent.

FEBRUARY 21, 1907.

Mr. P. C. KNOX, M. C.,  
United States Senate, Washington, D. C.

DEAR SIR: I understand that no appropriation is recommended by the Appropriations Committee of the House of Representatives for the continuance of the fuel tests which the Government has been conducting for the last two years. These tests are of such a nature that they can only be conducted under Government supervision, as manufacturers would only test the fuel in which they are directly interested for the purpose for which they desire to use it. The results already secured are of value to all sections of the country, and particularly to a coal-producing and manufacturing State like Pennsylvania, and I trust that you will lend your influence to securing the fuel appropriation (\$250,000) asked for.

Yours, truly,

Superintendent.

SCHOOLHOUSE LANE,  
Germantown, Philadelphia, February 21, 1907.

HON. BOIES PENROSE,  
United States Senate, Washington, D. C.

DEAR SIR: May I ask your consideration that the full appropriation of \$100,000 be made in the sundry civil bill for continuing the structural materials laboratory investigations by the Geological Survey at St. Louis? I am informed that there is some danger of the money being appropriated for other purposes.

The work that is proposed is one of the most useful to the engineering profession that has ever been undertaken by the Federal Government. It is specially useful in the line of all cement products, and will increase the output of all our mills in this great industry when more is known about its structural properties combined with steel.

I trust that you will be able to use your influence in obtaining this appropriation.

Yours, truly,

SAMUEL T. WAGNER,  
Assistant Engineer Philadelphia and Reading Railway.

SCHOOLHOUSE LANE, TWENTY-FIRST WARD,  
Germantown, Philadelphia, February 21, 1907.

HON. GEORGE D. MCCREARY,  
House of Representatives, Washington, D. C.

DEAR SIR: May I bring to your serious attention an appropriation of \$100,000 in the sundry civil bill for continuing structural materials investigations by the Geological Survey at St. Louis?

I am informed that there is some danger of this amount being used for other purposes.

The whole engineering profession is intensely interested in the work that is going on at St. Louis and upon the results which are there being investigated will depend data upon what is now known as "reinforced concrete," a compound material which, when more is known about it, will prove one of the most valuable building materials known.

I trust that you will be able to help us get this appropriation.

Yours, truly,

SAMUEL T. WAGNER.

BALTIMORE, Md., February 21, 1907.

HON. WILLIAM H. WILEY,  
Congressman, Committee on the District of Columbia,  
House of Representatives, United States, Washington, D. C.

MY DEAR SIR: We beg to acknowledge receipt of yours of the 20th instant, and inclose herewith copy of letter sent to the two Senators and six Congressmen of this State.

Trusting same is satisfactory, we remain,

Yours, very truly,

HENRY ADAMS, Consulting Engineer.

FEBRUARY 21, 1907.

HON. ISIDOR RAYNER,  
United States Senator, Washington, D. C.

DEAR SIR: We understand that the sundry civil bill reported by the Appropriation Committee of the United States House of Representatives has eliminated from same the appropriation for the continuance of fuel investigation by the Government. We consider this investigation one of the most important ones for the benefit of the country at large, and therefore urgently plead with you to use all efforts to see that the appropriation which was made for previous years is continued.

Hoping that you can conscientiously carry this out, it being money well expended, we remain,

Yours, very truly,

Consulting Engineers.

THE GARRETT-CROMWELL ENGINEERING COMPANY,  
ROLLING MILL ENGINEERS,  
Cleveland, Ohio, February 22, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I duly received your letter of the 20th, calling attention to providing appropriation for carrying forward fuel investigations which have been started in St. Louis, and inclosed herewith please find copies of letters which I am to-day writing to Senator DICK and Congressman BURTON concerning this, which I trust is in line with what you desire.

Yours, very truly,

J. C. CROMWELL.

FEBRUARY 22, 1907.

Senator CHARLES DICK,  
Senate Chamber, Washington, D. C.

DEAR SIR: I am advised that there is pending before Congress a bill asking for an appropriation of \$250,000 to assist the fuel-investigation work which has been carried on during the last two and a half years at St. Louis, and which, I consider, has resulted in great good for all users of fuel.

This work is in the hands of a very competent set of engineers, and they are working out results which have been needed for a long time by the various engineers and manufacturers of this country, and I trust that you will see your duty clear to support the measure when it comes before you.

Yours, very truly,

FEBRUARY 22, 1907.

HON. M. E. DRISCOLL, Washington, D. C.

DEAR SIR: My attention has been called to a bill before your honorable body to appropriate money for the continuance of investigation as to the value of certain fuels. I think the amount appropriated last year was about \$250,000 and that the same is asked for this year. To my mind, this is a very important item and will bring good results and benefit eventually every manufacturer in the United States and perhaps some other countries. I have read the reports of the committee for the time it has been in existence, and they are very interesting and instructive, and I know of no way by which the work can be so well done as by our Government. A private individual or corporation could not undertake it. But it will benefit every person in the United States eventually. I ask that you give this bill your support.

Yours, truly,

E. P. BATES.

FEBRUARY 22, 1907.

W. H. WILEY, Esq.,  
Committee on the District of Columbia,  
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 20th instant relative to further appropriation for fuel investigations received last evening, and I at once wired Col. HENRY DU PONT, our Senator, and Hon. HIRAM BURTON, our Congressman, in accordance with your suggestion, and have written them this morning. Copies of letters and telegrams are inclosed herewith.

I trust sincerely that the appropriation in question will go through,



as I have been greatly interested in this work and have gladly taken the matter up with each gentleman.

Trusting their attention in the matter may be a help, I remain,  
Yours, very sincerely,

EGBERT MOXHAM.

[Telegram.]

FEBRUARY 21, 1907.

Col. H. A. DU PONT,  
Senate Annex, Washington, D. C.:

Would appreciate it if you can consistently lend your support to sundry civil bill for full appropriation relative fuel investigation.

EGBERT MOXHAM.

FEBRUARY 22, 1907.

Col. H. A. DU PONT,  
Senate Annex, Washington, D. C.:

DEAR COLONEL DU PONT: Last night I wired you that I would appreciate greatly if you could consistently lend your support to the sundry civil bill for the full appropriation relative to fuel investigation. As you no doubt know, last year Congress appropriated the sum of \$200,000 for the carrying on of investigations which the Government had been conducting at St. Louis relative to fuel values. I understand a further appropriation of \$250,000 has been asked for to continue this work during the next year.

As an engineer, I have been greatly interested in the work of this investigation and believe it has brought to light a great deal of knowledge that will be of material benefit to the country in general. I therefore felt that the bill was a worthy one, and, understanding that it was to be voted on the last part of this week, I wired, trusting to bring the matter to your favorable attention. I trust you will not feel that I have imposed upon your kindness, and accept my best thanks for whatever attention you could give the matter.

Yours, very sincerely,

CINCINNATI, OHIO, February 22, 1907.

Senator J. B. FORAKER,  
Washington, D. C.:

Earnestly urge you to insist on appropriation continuing investigation structural materials, St. Louis. Matter vitally important all industries.

H. E. WARRINGTON.

NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY,  
Middletown, N. Y., February 22, 1907.

Hon. THOMAS W. BRADLEY,  
Washington, D. C.

DEAR SIR: The good work which has been done in the past by the appropriation for the sundry civil bill merits that this appropriation should again be allowed and the bill passed. Everyone recognizes the fact that good construction in public buildings is now demanded, and it can not be brought about without a thorough investigation of materials which go to make that construction.

I hope that Congress will see its way clear to make this appropriation again.

Yours, respectfully,

C. E. KNICKERBOCKER.

NEW HAVEN, CONN., February 22, 1907.

The Hon. N. D. SPERRY,  
Washington, D. C.

MY DEAR SIR: Believing that the investigation of structural materials that the Government has been carrying on at St. Louis for the past two and a half years is of very great value to the engineering profession and to the community at large, I venture to ask you to use your influence toward the obtaining of an appropriation of \$100,000 needed to continue this work at St. Louis under the direction of the United States Geological Survey.

Very respectfully,

W. H. MOORE.

SPARTANBURG, S. C., February 22, 1907.

Hon. JOSEPH T. JOHNSON,  
Washington, D. C.

MY DEAR MR. JOHNSON: I note that no appropriation is recommended this year by the Appropriations Committee for the continuance of the investigation of structural materials which the Government has been conducting for the past two and a half years at St. Louis, Mo.

An effort will certainly be made to secure sufficient funds to continue this most important work, and I do trust when the time comes you will do all you can to help.

It is difficult for one not actually engaged in construction to appreciate fully the importance of knowing all about the material which must be used in any work, and I shall only ask you to take my word for it that the engineering profession generally is very much at sea when it comes to knowing just how some of the most ordinary materials will behave under given conditions, and only so because the magnitude of the investigations necessary to illuminate these matters precludes their being undertaken by private enterprise.

Ultimately, I have no doubt, the Government will be liberal in such matters, and it would seem a pity, now the work has been begun, that it should be halted for lack of funds.

I think \$100,000 was appropriated last year for this work, and I hope you will see your way clearly toward advocating a similar appropriation this year.

Yours, sincerely,

W. B. W. HOWE.

CHICAGO, February 22, 1907.

Hon. WILLIAM H. WILEY, M. C.,  
Washington, D. C.

DEAR SIR: Your letter of 20th instant received this morning, and I have wired and written to Senator ALLISON and Congressman MANN, and inclose copies of same.

Yours, truly,

E. C. SHANKLAND,  
Consulting Engineer.

FEBRUARY 22, 1907.

Hon. WILLIAM B. ALLISON,  
United States Senate, Washington, D. C.:

It is of great importance that ample appropriation be made in sundry civil bill for continuing fuel investigations.

E. C. SHANKLAND,  
Consulting Engineer.

FEBRUARY 22, 1907.

Hon. WILLIAM B. ALLISON,  
United States Senate, Washington, D. C.

SIR: I have wired you to-day urging appropriation for fuel investigation for the ensuing year.

These investigations as they have been conducted are of the greatest importance to the public, for they have shown already that slack coal from some sections which have heretofore been almost entirely wasted may be briquetted and converted into usable fuel on a commercial basis.

Yours, very truly,

E. C. SHANKLAND,  
Consulting Engineer.

RICHMOND, VA.,  
621 EAST FRANKLIN STREET,  
February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: Yours of 20th instant just reached me. It gives me great pleasure to herewith inclose copies of letters I have written.

I am very much interested in the subject, and trust you will be successful in pushing the matter through.

I will appreciate it if you will kindly advise me at your leisure whether and where I could obtain the data already issued. I will esteem it a great favor if you will kindly let me hear from you, letting me know how I could obtain this data, and greatly oblige,

Yours, very truly,

R. CARTER BEVERLEY.

RICHMOND, VA.,  
621 EAST FRANKLIN STREET,  
February 22, 1907.

Senator THOMAS S. MARTIN,  
United States Senate, Washington, D. C.

DEAR SIR: Being a mechanical engineer and very much interested in all kinds of engineering work, I beg to call your kind attention to the appropriation of \$250,000 included in the sundry civil bill for continuance of fuel investigations which the Government has been conducting at St. Louis for the past two years. This research has proven a most valuable one to the engineering profession, and I feel certain if discontinued will deprive not only the engineers but the entire country of data and information of great technical and practical value which can hardly be practically obtained elsewhere. I trust you will use your best endeavor in favor of this for its full amount, as mentioned, and greatly oblige,

Yours, very truly,

R. CARTER BEVERLEY.

TOLEDO, OHIO, February 22, 1907.

Mr. WILLIAM H. WILEY, M. C.,  
House of Representatives, Washington, D. C.

DEAR SIR: Yours of the 20th at hand. Inclosed please find copy of letter sent to Senators FORAKER and DICK and Representative SOUTHARD.

Yours, truly,

G. J. RATHBUN.

TOLEDO, OHIO, February 22, 1907.

DEAR SIR: You are undoubtedly aware of the fact that the fuel supply of the world is somewhat limited and that the present method of utilizing fuel where it is to be converted into work is exceedingly wasteful. The experiments which have been carried on in the Government fuel-testing plant in St. Louis have been of enormous benefit to the entire country, in that they have shown the possibilities of using cheap fuels, which have hitherto been considered comparatively worthless, and have indicated means whereby the higher-grade fuels could be used to much better advantage. This work is of such great importance that it should be continued. It is a measure that does not affect any particular section of the country, and should receive the careful consideration and support of every legislator.

If you will give this matter your careful attention, you will undoubtedly conclude that funds should be provided as required for carrying on this work.

Thanking you in advance for your valued consideration, I am,

Yours, very truly,

CLEVELAND, February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: In accordance with your request of February 20, I inclose you herewith a copy of a letter which I have sent to the Hon. THEODORE E. BURTON, of the House of Representatives, and the Hon. J. B. FORAKER, of the Senate.

Yours, very truly,

ROBERT THURSTON KENT,  
Engineering Editor The Iron Trade Review.

FEBRUARY 22, 1907.

Hon. THEODORE E. BURTON,  
House of Representatives, Washington, D. C.

DEAR SIR: I respectfully ask you to cooperate in securing an appropriation of \$250,000 in the sundry civil bill for the continuance of the fuel investigations which the Government has been conducting in St. Louis for the past two and a half years. The results obtained in the past investigation are so valuable and the subject is of such importance that it seems extremely desirable that these investigations be continued until full knowledge has been obtained of the best and most economical manner of utilizing the fuels of this country. It is a subject not only of importance from engineering and scientific standpoints, but also a question of economics of the very highest order.

Yours, very truly,

ENGINEERING EDITOR,  
The Iron Trade Review.

ALBANY, N. Y., February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I am this day in receipt of your circular letter relative to appropriation for continuing investigations into structural material at St. Louis. Your letter did not reach me in time to telegraph to my Representative, and I have therefore written to him and to one of

my Senators, which will probably reach them as soon as a telegram now could. I trust your efforts to have reinserted an appropriation for the purpose named may be successful, but unfortunately the caliber and disposition of the Representatives of this State and this district in Congress are not such as to warrant any great hopes of exertion on their part in this matter.

Yours, truly,

CHARLES F. STOWELL.

ALBANY, N. Y., February 22, 1907.

HON. GEORGE N. SOUTHWICK,  
House of Representatives, Washington, D. C.

DEAR SIR: I am informed that the sundry civil bill as reported by the Appropriations Committee has cut out an appropriation of \$100,000 asked for for continuing investigations of structural material, which has been in progress for some time at St. Louis.

The work which has heretofore been carried on by the Government in the above line is of the utmost importance and of incalculable value to the engineering profession and to the building trades. The subject has as yet by no means been exhausted, and the results of investigations still to be made promise even more important and valuable results than those already completed. This work is of such a character and magnitude that no private parties could perform it with anything like the completeness that has heretofore characterized it, and as a member of the profession most directly interested in this work I beg to protest against its discontinuance and to ask that you will use your influence to have inserted in the above bill an appropriation as asked for for the continuance of this work in the same manner and by the same force which has performed this work up to the present time.

Yours, truly,

CHARLES F. STOWELL,  
Consulting Engineer.

MANCHESTER, N. H., February 22, 1907.

HON. WILLIAM H. WILEY, M. C.,  
House of Representatives.

DEAR WILEY: Yours received a few minutes since, and I have written Senators GALLINGER and BURNHAM and Representatives SULLOWAY and CURRIER, all of whom I know well, all to about the following effect:

"I see that in the 'sundry civil bill' as reported the item of \$250,000 to continue fuel experiments at St. Louis has been omitted. This matter is of immense pecuniary interest to every part of the country, and the work that is being done is of great importance to all manufacturing and steam-power interests. I hope to see the item restored and that you will use your powerful interest to that end," etc.

Yours, truly,

CHAS. MANNING.

Late Chief Engineer, U. S. Navy, and Chief Engineer Amoskeag Works.

SAVANNAH, GA., February 22, 1907.

Representative W. H. WILEY,  
Washington, D. C.

DEAR SIR: Your favor of 20th instant has been received, and in response to it I have sent the following letters to Senators A. O. BACON and A. S. CLAY and JOHN W. OVERSTREET, Representative from my district:

"DEAR SIR: Will you not kindly urge the continuation in the sundry civil bill of the \$100,000 appropriation for the investigation of structural materials that the United States Government has been conducting at St. Louis, Mo., and protest against its removal to the Army arsenal near Boston, on the grounds that this work should be supervised by structural engineers?"

Trusting that this will be of service to you, I remain,

Yours, very truly,

J. DE BRUYN KOPS.

NEW YORK, February 22, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR BROTHER WILEY: A letter, carbon of which is inclosed herewith, has been sent to the following gentlemen of my personal acquaintance: Hon. FRANK BRANDEEGER, Senator; Hon. WAYNE PARKER, Representative; Hon. HERBERT PARSONS, Representative; Hon. WILLIAM SULZER, Representative.

Hoping to see you to-morrow evening,

Yours, in bonds,

D. L. H.

NEW YORK, February 22, 1907.

MY DEAR SIR: The writer is presuming upon our acquaintance to ask your attention to a matter now pending before the House of Congress that is of great importance to the members of the mechanical engineering profession, namely, the question as to an appropriation for the continuance of fuel investigation that the Government has been conducting at St. Louis during the past two and one-half years.

It seems that there may be some opposition to the passing of this appropriation, and I want to express to you that it is the opinion of all mechanical engineers with whom I am in contact, and my fellow-members of the American Society of Mechanical Engineers, that it would be a great loss to the public in general to have this important and valuable investigation interrupted by a failure to give them sufficient money at this time to proceed.

Pray pardon me for calling your attention to this, but I am confident that it needs only to have your attention called to it for you to see the importance of the matter in question.

Very truly, yours,

CHAMBERSBURG, PA., February 22, 1907.

HON. WM. H. WILEY,  
Member of Congress, Washington, D. C.

DEAR SIR: In reply to your circular of February 20, we beg to inclose copy of telegrams sent this day to Senators PENROSE and KNOX, of Pennsylvania, and also to Congressman MAHON, of this district.

Respectfully,

THOS. J. BRERETON, Engineer.

CHAMBERSBURG, PA., February 22, 1907.

Will you kindly urge sundry civil bill for continuing structural-materials investigations by Geological Survey at St. Louis instead of

transferring this work to Army arsenal, near Boston, as suggested in press dispatches? This work is of the greatest value to all members of the engineering profession.

THOS. J. BRERETON, C. E.

WILMINGTON, DEL., February 22, 1907.

HON. WM. H. WILEY,  
Member of Congress for New Jersey,  
Washington, D. C.

DEAR SIR: In response to your letter of February 20, in re fuel investigations at St. Louis, beg to say that I have written a letter to each of our two Senators and to our Representative, copy of which I inclose herewith.

If there is anything further that I can do to aid you in securing the appropriation for the continuance of this work, kindly write me and I will endeavor to aid you.

Very truly, yours,

H. L. FULENWIDER.

FEBRUARY 22, 1907.

DEAR SIR: You may be aware of the fact that the Government has been conducting fuel investigations at St. Louis for the past two years or more. The results of these investigations have been eagerly sought for by the engineering fraternities of this country; and when these investigations are completed, their results and deductions will be of inestimable value to the manufacturing industries of this country.

I note that the sundry civil bill, as it came out of the Appropriation Committee of the House, contained no provision for the continuance of these investigations. I earnestly entreat you to see that the appropriation for this work is made this year, because from the reports made to the American Society of Mechanical Engineers, of which the writer happens to be a member, the investigations are at a stage where it is essential that they should continue, or else lose the result of a great deal of work and time.

I beg to remain,

Very truly, yours,

SCRANTON, PA., February 22, 1907.

HON. WM. H. WILEY.

DEAR SIR: A few minutes ago I received your letter and I have written our Member, Mr. THOMAS H. DALE, as you will see from the inclosure.

Yours, etc.,

JAMES ARCHBALD.

SCRANTON, PA., February 22.

HON. THOMAS H. DALE.

DEAR SIR: For the past two and one-half years there has been conducted in St. Louis an investigation of structural materials under an appropriation of \$100,000 from Congress. The work is not finished, and engineers, realizing its importance, wish to see it continued; so they ask Congress to include \$100,000 for this purpose in the sundry civil bill now before Congress. I write you both as a civil engineer and a friend to do what you consistently can to help this good work. W. H. WILEY, M. C., is an old friend of mine and much interested in this matter; so if you fall into our notions, you can confer with him.

Yours, etc.,

J. A.

ARDMORE, PA., February 22, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: I have noticed in the press dispatches that in the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, no appropriation is recommended for the continuance of fuel investigations, which were taken up at the St. Louis exposition and have been carried on for the past two and one-half years.

As a member of the American Society of Mechanical Engineers, I am deeply interested in these investigations, and I am sure that nothing has been done by the Government for a long time that has as much practical value as this work, and I consider that it has been conducted in the most economical manner. The appropriation is comparatively small compared to the great good it can do the manufacturing interests of the country. There is so much money spent, I regret to say, by our Government for things that are really of very little good, it does seem too bad to see an appropriation for a work of real value curtailed. I hope, therefore, that you will use your influence to try and have this appropriation go through.

Yours, very truly,

H. A. GILLIS, President.

HARRISBURG, PA., February 22, 1907.

HON. M. E. OLMSTED,  
Member of Congress, Washington, D. C.

DEAR SIR: I would consider it a favor if you would give your approval to an item in the sundry civil bill appropriating \$100,000 to continue experimental research on the strength and properties of building materials now being conducted under a previous appropriation by the Government at St. Louis. This work is of very great interest to engineers, and the results will be of general good to the country. The work is of such nature that it is not likely it will be undertaken by any private firm or individual.

Yours, truly,

MASON D. PRATT.

HARRISBURG, PA., February 22, 1907.

HON. WILLIAM H. WILEY, M. C.,  
Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your letter of February 20, and have taken steps to do what I can to help the matter along. I received one book on Tests of Materials, published recently, which was a great help to me, but I note that the new volume will shortly be published, and I would appreciate it if you would tell me to just who my application should be made for this volume, as I have been very much interested in following these investigations.

Very truly, yours,

FRED W. COHN.



BUCKEYE ENGINE COMPANY,  
Salem, Ohio, February 22, 1907.

Hon. WM. H. WILEY, M. C.,  
Washington, D. C.

DEAR SIR: Your letter of February 20, relative to fuel investigation at St. Louis, was duly received, and being interested in this, we sent the following message to Hon. JAMES KENNEDY:  
"Entire scientific world deeply interested in fuel investigation at St. Louis. Please do all possible to get appropriation."

"BUCKEYE ENGINE CO."

Trusting our action will meet with your approval, we are,  
Yours, truly,

C. B. HUNT.

POPE MANUFACTURING COMPANY,  
Hagerstown, Md., February 22, 1907.

Hon. WM. H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your letter of February 20, calling my attention to the neglect of the present Congress to provide funds for continuing the important fuel-investigation work begun at St. Louis. I appreciate keenly the value of these investigations, and inclose herewith a copy of letter written our State Senator, urging him to use his influence in behalf of this appropriation.

Yours, truly,

V. M. PALMER.

P. S.—Similar letter sent to Hon. GEO. A. PEARRE,

V. M. P.

HAGERSTOWN, MD., February 22, 1907.

Hon. ISIDOR RAYNER,  
United States Senate, Washington, D. C.

DEAR SIR: I have followed with great interest the fuel-investigation work which the Government conducted at St. Louis, and I note with great concern the failure to appropriate more money to continue this important and most valuable work. I feel that this can only be due to an oversight on the part of the Appropriations Committee, as the value of this work must be patent to anyone.

I feel that you will be especially interested in having these investigations continued because of their direct value to this State. The great heaps of now useless refuse piled up at our coal mines will become immense sources of stored-up energy, available by being converted into producer of gas and power. How great and widespread the results the future may bring we can little guess.

Maryland, with her immense coal fields and rapidly increasing manufacturing interests, will be greatly benefited.

For these reasons I would urge you to use your influence in having the needed appropriation of \$250,000 for the ensuing year included in the sundry civil bill.

Very truly, yours,

A. M. PALMER.

POPE MANUFACTURING COMPANY,  
Hagerstown, Md., February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I duly received your favor of February 20, with regard to the failure of the Appropriations Committee of the House of Representatives to include a recommended appropriation in the sundry civil bill for the continuance of fuel investigations which the Government has been conducting at St. Louis within the past two and one-half years. I immediately wired the Hon. GEORGE A. PEARRE, House of Representatives, and Hon. ISIDOR RAYNER, United States Senate, and confirmed same by letter, as per copies herewith inclosed.

Personally and as a member of the American Society of Mechanical Engineers I am greatly interested in this work and would greatly regret the failure of our National Congress to make suitable provision and appropriation for continuing the work during the next year.

Further, I would like to be in a position to follow up more closely the results of these tests than I have been able to do in the past, and if you can supply me with copies of such reports as have been made thus far or can give me such information as would enable me to secure such data, I would greatly appreciate same. As I have stated in the inclosed, I am very much interested in this work and believe that its results, if continued, will be highly beneficial.

Yours, very truly,

HAROLD L. POPE.

FEBRUARY 21, 1907.

Hon. GEORGE A. PEARRE,  
House of Representatives, Washington, D. C.

DEAR SIR: Having noticed from the press dispatches that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives no appropriation is recommended for the continuance of fuel investigation which the Government has been conducting at St. Louis for the past two and one-half years, and as a member of the American Society of Mechanical Engineers, being deeply interested in this work, I would heartily recommend your indorsement of an appropriation for this purpose and your influence in securing the passage of this bill carrying the desired appropriation.

I believe that last year Congress appropriated \$200,000 for this work and this year \$250,000, and, further, that an appropriation of \$250,000 is asked for continuing the work during the next year. I have taken the liberty of wiring you as follows:

"In view of the importance of this work I would appreciate your indorsement for an appropriation for continuing fuel investigation."

I confirm the above message and again assure you of my personal appreciation of any efforts you may give toward furthering this very important work. I beg to remain, dear sir,

Yours, very truly,

FEBRUARY 21, 1907.

Hon. ISIDOR RAYNER,  
United States Senate, Washington, D. C.

DEAR SIR: Having noticed from the press dispatches that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives no appropriation is recommended for the continuance of fuel investigation which the Government has been conducting at St. Louis for the past two and one-half years, and as a member

of the American Society of Mechanical Engineers, being deeply interested in this work, I would heartily recommend your indorsement of an appropriation for this purpose and your influence in securing the passage of this bill carrying the desired appropriation.

I believe that last year Congress appropriated \$200,000 for this work and this year \$250,000, and, further, that an appropriation of \$250,000 is asked for continuing the work during the next year. I have taken the liberty of wiring you as follows:

"In view of the importance of this work I would appreciate your indorsement for an appropriation for continuing fuel investigation."

I confirm the above message and again assure you of my personal appreciation of any efforts you may give toward furthering this very important work. I beg to remain, dear sir,

Yours, very truly,

WEST VIRGINIA GEOLOGICAL SURVEY,  
OFFICE OF THE SURVEY,  
Morgantown, W. Va., February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR MAJOR WILEY: Replying to your favor of February 20, I will say that I have already written each of our Senators, as also each member of our delegation in Congress, concerning the desirability of restoring the appropriations to last year's basis for the United States Geological Survey, and have received answers from all of them that they will cooperate heartily in any such movement. Hence you can feel free to enlist all of our five Representatives—DAVIS, DOVENER, GAINES, HUGHES, and WOODYARD; and should the effort fail in the House, I have assurances from both Senators ELKINS and SCOTT that they will do all possible in the Senate. Hence our West Virginia delegation in both Houses is solid for restoring the items for the Geological Survey to the basis of last year's appropriations.

Very truly, yours,

I. C. WHITE,  
State Geologist.

FEBRUARY 22, 1907.

Hon. P. C. KNOX,  
United States Senator, Washington, D. C.

MY DEAR SENATOR: In the public press I notice that the Appropriations Committee of the House of Representatives has reported the sundry civil bill without it containing the requested \$100,000 item for the continuance of the investigation of structural materials which the Government has been conducting at the St. Louis laboratory during the past two and a half years on this and kindred subjects. Last year Congress appropriated a similar sum for this work, and another appropriation of \$100,000 has been asked for to continue this work during 1907.

In view of the importance of this work and the fact that a number of new investigations, especially relative to concrete and reinforced concrete, have only begun recently, under the supervision of committees of engineers representing the isthmian canal, the Reclamation Service, the American Society of Civil Engineers, American Society for Testing Materials, and other similar societies, a discontinuance of the work at the laboratory, especially at this time, would amount to a calamity to the country, inasmuch as an enormous amount of concrete and reinforced concrete construction is now going on in the country, much of which is recklessly designed and constructed, as frequent failures, reported in the daily press, bear witness.

This is a subject of so much importance to the people and humanity that the European governments have and are spending large fixed sums on its investigation and with the view to laying down scientific laws and rules for its use in construction. Especially is that the case in Germany and France.

Taking a keen interest in this matter, so important to the profession of which I have the honor to be a member, I venture to address you personally, requesting your kind consideration of the matter, and, if possible, to have this item included in the sundry civil bill, which bill, I understand, is liable to come before the Senate in a few days.

It may be of interest to you to know that I have also taken the liberty to communicate with Congressmen JOHN DALZELL, JAMES F. BURKE, and ANDREW P. BARCHFIELD, but, owing to the urgency of the case, it was necessary for me to wire them, which, of course, did not permit extensive remarks on the subject. I would, therefore, in addition to thanking you in advance for your courtesy in this matter, deem it an additional favor if you would kindly refer to this matter, should you have an opportunity to do so, when meeting any of the above gentlemen in the next few days.

With much respect, I am,

Yours, sincerely,

EMIL SWENSSON,  
Consulting and Constructing Engineer, Pittsburg, Pa.

FEBRUARY 21, 1907.

Hon. A. P. BARCHFIELD,  
House of Representatives, Washington, D. C.:

Kindly save hundred thousand item, House bill appropriation Geological Survey testing laboratory, St. Louis. Urgent.

EMIL SWENSSON.

RICHMOND, VA., February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington D. C.

DEAR SIR: Your circular letter of February 20 is just received, and I have to-day telegraphed to the Hon. JOHN LAMB. I inclose you carbons of both telegram and letter.

Yours, very truly,

E. T. D. MYERS, JR.

FEBRUARY 22, 1907.

Hon. JOHN LAMB,  
House of Representatives, Washington D. C.

DEAR SIR: I to-day telegraphed you as per inclosed confirmation, having just heard that no appropriation is recommended for the purpose. These investigations conducted by the Government are of enormous value to the engineering profession, and mean not only great economy in building in the future, but bear very direct and tangible relation to the avoidance of accidents and loss of life and property. I hope you will give this matter your careful thought.

Yours, very truly,

RICHMOND, VA., February 22, 1907.  
HON. JOHN LAMB,  
House of Representatives, Washington, D. C.

I hope you will insist on incorporating in the sundry civil bill the appropriation of \$100,000 for continuing the investigations of structural materials at St. Louis.

E. T. D. MYERS, JR.

PARKERSBURG, W. VA., February 22, 1907.

HON. WM. H. WILEY, Washington, D. C.

DEAR SIR: In reply to your favor of the 20th instant, you will find inclosed a copy of a letter I have sent to West Virginia's Senators, SCOTT and ELKINS, also to Congressman WOODYARD, of our Congressional district, and to BEMAN G. DAWES, Ohio's Representative from the Marietta district.

Hoping my efforts will have aided in securing the necessary appropriation for continuing the investigation of structural materials, I am,  
Respectfully, yours,  
JOS. P. HORSTMAN.

PARKERSBURG, W. VA., February 22, 1907.

DEAR SIR: As an engineer I am much interested in seeing the Government continue the investigation of structural materials it has been conducting at St. Louis during the past two and one-half years.

Considering the value and importance of the results of this work, not only to the engineering profession, but directly and indirectly to the whole people, I trust you will feel that an appropriation for this work should be included in the sundry civil bill and, in accordance, vote that such an appropriation be made.

Thanking you for your attention to this matter, I am,  
Respectfully, yours,  
JOS. P. HORSTMAN,  
Assoc. Mem. Am. Soc. of Civil Engineers.

NEWARK, N. J., February 22, 1907.

SENATOR BOIES PENROSE, Washington, D. C.

MY DEAR SENATOR: My attention has been called to the fact that Congress is likely to cut out for this coming year an appropriation in the sundry civil bill for the continuance of fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years.

I wish to enter my protest against such a course on the part of Congress.

The data which this investigation has given in the past and will give in the future year is of the greatest value to the American engineers, and I earnestly entreat you to use your powerful reference to have this appropriation made.

Yours, very respectfully,

D. ROBT. YARNALL.

FERRACUTE MACHINE COMPANY,  
Bridgeton, N. J., February 22, 1907.

MY DEAR MAJOR WILEY: I inclose copy of a letter which I have just sent to Senators KEAN and DRYDEN and Representatives GARDNER and PARKER, and I hope it may do some good.

With kind regards to yourself and family, I am,  
Faithfully, yours,  
OBERLIN SMITH.  
Maj. WILLIAM H. WILEY.

FEBRUARY 22, 1907.

MY DEAR SENATOR: I write to call your attention to the great importance of having inserted in the sundry civil bill the \$100,000 appropriation for continuing the tests of structural materials at St. Louis, which highly valuable and important work the Government is already engaged in.

This testing has, I believe, been going on for some two or three years past, to the great benefit of engineering science and the public in general. Few subjects can be of more importance than ascertaining the strengths and other qualities of the materials used in constructive work that their efficiency and safety may be insured.

With kind regards I am,  
Faithfully, yours,  
OBERLIN SMITH.  
Hon. JOHN KEAN.

OFFICE OF THE MARYLAND STEEL COMPANY,  
Sparrows Point, Md., February 22, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 20th instant, relative to the appropriation for the fuel investigations, received.

By the attached copies of letters, which I have written to our Senator and Representative from this district, you will note that your request has been complied with, and I trust the measure will pass.

Yours, truly,

SIMON S. MARTIN,  
Member of the American Society of Mechanical Engineers.

FEBRUARY 22, 1907.

HON. ISIDOR RAYNER,  
United States Senator, Washington, D. C.

DEAR SIR: My attention has been called to the fact that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives no provision has been recommended to further the fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years.

As this is a matter of vast importance, I would most respectfully request that you use your influence, if you can consistently, to secure the appropriation asked for—\$250,000—to continue these tests during the next fiscal year.

Yours, very truly,

Member of the American Society of Mechanical Engineers.

AMERICAN CEMENT COMPANY OF NEW JERSEY,  
Philadelphia, February 22, 1907.

HON. WM. H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I have your letter of February 20, in reference to the matter of the appropriation in the sundry civil service bill for the continuance of the structural-materials work at St. Louis, and I have to-day telegraphed Hon. J. HAMPTON MOORE, as per inclosed. I have

also written Mr. MOORE, Senator PENROSE, and Congressman WANGER as per inclosed copies, all of which I hope will be of some assistance in the right direction.

Yours, very truly,

B. W. LESLEY, President.

FEBRUARY 22, 1907.

MY DEAR SENATOR: I am writing you to-day to urge that the full appropriation of \$100,000 be made in the sundry civil bill to continue structural-materials investigations by the Geographical Survey at St. Louis, and to protest against the transference of this work to the Army arsenal near Boston.

Having been connected for many years with the development of the cement industry and the introduction of concrete work in buildings, bridges, etc., I have been associated with the various engineering committees in the preparation of standards for concrete and reinforced concrete. The Government, through the Geological Survey and the advisory board of fuels and structural materials, of which I am a member, appropriated last year \$100,000 for the work of the laboratory at St. Louis. This laboratory has been doing work of the most satisfactory and uniform character in the way of experiments with cements, concretes, concrete beams, etc., which are to be acted upon by the joint committees of the engineering societies in the preparation of specifications. This work has gone so far and is so important and has been done in such a way that to change the location of this work from the present laboratory to the Army arsenal near Boston, as proposed, would involve a total loss of the work so far done and to practically put the work of making the specifications a year backward. For this reason I urge the retention of the appropriation of \$100,000 in the sundry civil bill for the laboratory at St. Louis, believing that the work when completed there will be most material to the welfare of solid and fireproof construction in the United States.

Similar letter written to Hon. IRVING P. WANGER, House of Representatives, Washington, D. C.

Yours, very truly,

HON. BOIES PENROSE,  
United States Senate, Washington, D. C.

FEBRUARY 22, 1907.

HON. J. HAMPTON MOORE,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I sent you the following telegram this morning, which I hereby beg to confirm:

"As a member of the Government Advisory Board on Fuels and Structural Materials, I want to urge full appropriation of \$100,000 in sundry civil service bill for continuing investigation by Geological Survey at St. Louis. This work is under way, and transferring it to Army arsenal near Boston would be fatal."

I desire to state that I can not make this point too strong. The series of experiments so far started have been under one set of testers and with one general equation in all the methods adopted. By transferring the experiments to another laboratory a reorganization would be necessary, and all the money so far expended would be wasted.

Yours, very truly,

President.

PHILADELPHIA, February 22, 1907.

W. H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: Yours of the 20th is duly at hand.

In response thereto, I send you carbons of two letters which I have written, and shall be pleased to do anything further that you feel desirable.

Yours, truly,

R. D. WOOD.

FEBRUARY 22, 1907.

J. J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: For the past two years experiments have been carried on by the Government for the purpose of investigating coals in the country, giving attention principally to the coals of the West and Southwest, all of which was proper, as these coals need to be studied in order that they may be brought to the attention of consumers and their value made use of.

I am going to ask you to use your influence with the New Jersey Congressmen to see that the appropriation is continued for the present year.

We can grow wheat each year, so that economy in consumption is but a small matter when compared with the consumption of coal, which can never be replaced.

Therefore, as this subject needs great attention, the small appropriation which the Government has given to it is most amply justified.

Hence I am going to ask you to speak to the Jersey Senators on the question, so as to be certain that they fully understand it.

Yours, truly,

FEBRUARY 22, 1907.

GEORGE D. MCCREARY,  
House of Representatives, Washington, D. C.

DEAR SIR: There has been carried on by the Government a most interesting work in connection with the investigation of the different coals in the United States.

I see that the appropriation for that purpose is likely to be discontinued. This will certainly be such a great misfortune that I trust you can make it clear to the Philadelphia and other Congressmen that anything that can be done to help the work of investigating coals will be a great thing for the State.

All Pennsylvanians should take great interest in the subject. I do not know who has the matter in charge, but it certainly should not be lost sight of and the work allowed to cease.

Yours, truly,

THE BALTIMORE AND OHIO RAILROAD COMPANY,  
OFFICE OF ENGINEER OF SURVEYS,  
Baltimore, Md., February 22, 1907.

HON. WM. H. WILEY,  
Member of Congress, Washington, D. C.

DEAR SIR: In response to your letter of February 20, I have sent letters, copies of which I inclose.

Yours, very truly,

H. R. TALCOTT,  
Engineer of Surveys, B. & O. R. R.



FEBRUARY 22, 1907.

Hon. WM. PINKNEY WHYTE,  
United States Senator, Washington, D. C.

SIR: I understand that no appropriation has been made this year for carrying on the investigations which are being made by the Government to determine the strength of structural materials.

This is a line of investigation which is of vital importance to engineers, and to railroad men especially, and it seems to me that it is entirely proper for the Government to undertake the investigation so as to avoid the duplication which would follow if the investigation is made by individual companies and at the same time will guarantee a more thorough dissemination of the knowledge gained.

I hope that you can see your way to support any movement which may be made to appropriate funds for carrying on this most important work.

Yours, very truly,

Engineer of Surveys, B. & O. R. R., Lutherville, Md.

NORFOLK AND WESTERN RAILWAY CO.,  
Roanoke, Va., February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I thank you for your letter of the 20th instant, calling attention to the fact that the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, does not include any appropriation for the continuance of the investigation of structural materials which the Government has been conducting at St. Louis during the past two and one-half years.

In this connection I beg to transmit herewith copies of a letter that I have addressed to the Hon. JOHN W. DANIEL, the Hon. CARTER GLASS, and the Hon. HENRY BANNON on this subject.

Yours, truly,

CHAS. J. CHURCHILL,  
Chief Engineer.

ROANOKE, VA., February 22, 1907.

Hon. JOHN W. DANIEL,  
United States Senate, Washington, D. C.

DEAR SIR: My attention is called to the fact that the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, does not include any appropriation for the continuance of the investigation of structural materials which the Government has been conducting at St. Louis during the past two and a half years, and in which members of the American Society of Civil Engineers and the members of the American Railway Engineering and Maintenance of Way Association are very much interested.

Last year Congress appropriated \$100,000 for this work, and I understand that another \$100,000 is necessary for continuing this work during the year beginning July 1, 1907. This is a class of work that can be carried on satisfactorily and in a conclusive manner only under the auspices of the United States Government. I trust, therefore, you will try and secure the appropriation necessary for continuing the work.

Yours, very truly,

Chief Engineer.

A. D. GRANGER CO.,  
Pittsburg, Pa., February 22, 1907.

Hon. W. H. WILEY,  
Washington, D. C.

DEAR SIR: In response to your letter of the 20th on the subject of appropriation for the fuel investigation, beg to say that I have written to all the Representatives from this district as per inclosed carbons.

Trusting you will be successful, I am,

Yours, very truly,

E. W. BENTLEY.

A. D. GRANGER CO.,  
Pittsburg, Pa., February 22, 1907.

Senator P. C. KNOX,  
Washington, D. C.

DEAR SIR: We have noted by press dispatches that the sundry civil bill, recently reported by the Appropriations Committee of the House of Representatives, does not recommend an appropriation for the continuance of the fuel investigation which the Government has been conducting for the past two or three years at St. Louis. The writer has a copy of these reports so far as they have been published, and knows personally that these investigations are of very great benefit.

I understand that \$250,000 was appropriated for this work during this year, and a like amount should be appropriated for this next fiscal year.

Your cooperation in securing an appropriation at this time would certainly be appreciated by the engineers of the country.

Yours, very truly,

A. D. GRANGER CO.  
E. W. BENTLEY,  
Manager Pittsburg Office.

THE PENNSYLVANIA STATE COLLEGE,  
DEPARTMENT OF CIVIL ENGINEERING,  
State College, Pa., February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of February 20 is received, and in response thereto I have sent a letter—copy of which is inclosed—to Senator KNOX, as I understand that Mr. DRESSER, the Representative from this district, is confined at his home by illness.

Very truly, yours,

ELTON D. WALKER.

FEBRUARY 22, 1907.

Hon. PHILANDER C. KNOX,  
United States Senate, Washington, D. C.

DEAR SIR: It has recently come to my attention that Congress is apparently intending to omit from the sundry civil bill the appropriation of \$100,000 for continuing the investigations of structural materials which have been carried on for the past few years in St. Louis.

In view of the importance of these investigations, especially those relative to concrete and reinforced concrete, I would respectfully urge upon you the importance, to the engineering profession in particular and the public in general, of having these investigations continued. Investigations of this character, in order to be of value, must cover a wide field and extend over a period of time and consequently involve an outlay beyond that possible for any individual engineer. It would, therefore, seem fitting that the Government should continue such a work as this, and as one member of the engineering profession I hope that this omission from the bill may be remedied.

I also have noticed in some of the papers that the work which has been carried on by the hydrographic division of the United States Geological Survey for some years past in investigating the water resources and compiling statistics of stream flow in the different parts of the United States is in danger of curtailment for lack of funds. Investigations of this character, to be of value, must be continuous over a series of years, and the discontinuance of operations at any river station for a few years, even if the work were later resumed, would seriously vitiate the value of the work as a whole. The reason for this statement is that a series of exceptionally dry or exceptionally wet years might occur during the time that work was discontinued, which would consequently fail to appear in the records, and which would, nevertheless, be of importance in designing either for water-power or water-supply improvements.

The water resources of Pennsylvania are a valuable source of wealth which has been developed to a very limited degree, and such investigations as the Government has been making are necessary if they are to be developed to any such extent as is desirable.

In comparison with our mineral resources the value of our water power has been very largely overlooked, but the value exists and is capable of development nevertheless, and I trust that this Congress will make adequate provision for the maintenance of this work.

Very truly, yours,

ELTON D. WALKER.

GREAT LAKES CONSTRUCTION COMPANY,  
Buffalo, N. Y., February 22, 1907.

Hon. W. H. WILEY,  
Member of Congress, House of Representatives,  
Washington, D. C.

DEAR SIR: I am in receipt of your letter of February 20, and inclose herewith copy of a letter I have to-day addressed to Representatives ALEXANDER and RYAN, which I trust will meet with your approval, and I heartily agree with you that this investigation is absolutely essential and should not be allowed to drop.

Yours, truly,

D'ARCY W. ROPER.

GREAT LAKES CONSTRUCTION COMPANY,  
Buffalo, N. Y., February 22, 1907.

Hon. W. H. RYAN, M. C.,  
House of Representatives, Washington, D. C.

DEAR SIR: When the sundry civil bill was reported by the Appropriation Committee of the House of Representatives, the desired appropriation for continuing the fuel investigations which the Government started at the St. Louis exhibition was conspicuous by its absence.

As a member of the American Society of Mechanical Engineers, this is a matter of vital interest to me and to thousands of engineers to a greater or less degree. We Americans have a tendency which is entirely too practical, and it is a matter of serious regret that more information of the nature of this which is being sought by the fuel investigations is not available to the American engineering profession, and it would be a great calamity if these investigations were allowed to be dropped. I therefore take the liberty to beg of you, as Representative from this district, to give the matter urgent attention and endeavor to have the required appropriation inserted in this bill.

Yours, truly,

BUFFALO, N. Y., February 22, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of the 20th instant, and have written to the two New York State Senators and to the Congressman of this district, as per copies inclosed.

Hoping that you may succeed in securing an appropriation for this purpose, I am,

Yours, very truly,

C. H. BIERBAUM.

BUFFALO, N. Y., February 22, 1907.

Hon. CHAUNCEY M. DEPEW,  
Senate Chamber, Washington, D. C.

DEAR SIR: The work done at the St. Louis testing plant during the last two years on the matter of investigation of coals and fuel values is such that it certainly deserves the hearty support of Congress in continuing the work for some time longer, in order to bring the work that has been done up to the present time to a logical conclusion.

The importance of this work is valuable and far-reaching in the industries of this country.

Hoping that you will favor the appropriation, I am,  
Very respectfully,

NORFOLK AND WESTERN RAILWAY COMPANY,  
Roanoke, Va., February 22, 1907.

Hon. JOHN W. DANIELS,  
United States Senate, Washington, D. C.

DEAR SIR: As a member of the American Society of Mechanical Engineers, and also as a mechanical engineer of a large railroad corporation, I am, of course, particularly interested in the fuel test that the Government has been conducting in St. Louis, beginning at the time of the Louisiana Purchase Exposition.

Believing that this investigation will be of great benefit to the country at large, I want to ask that you will help in getting through the necessary appropriations for continuing the work during the coming year.

I understand the appropriation asked for is \$250,000, and I hope you will see fit to help out in the matter.

Yours, respectfully,

JOHN A. PILCHER,  
Mechanical Engineer.

WHEELING MOLD AND FOUNDRY COMPANY,  
Wheeling, W. Va., U. S. A., February 22, 1907.

Mr. WILLIAM H. WILEY, M. C.,  
Washington, D. C.

DEAR SIR: I have your letter of February 20.  
Very truly, yours,

FRANK THOMSON.

As a member of the American Society of Mechanical Engineers I am very much interested in the continuance of the fuel investigation which the Government has been conducting at St. Louis for the past two and a half years, and trust you will give the matter of an appropriation of \$250,000 for the next year your support.

Very truly, yours,

FRANK THOMSON.

JOHN W. FERGUSON COMPANY,  
Paterson, N. J., February 23, 1907.

Hon. JOHN KEAN,  
Washington, D. C.

MY DEAR SENATOR: I understand from press dispatches that the sundry civil bill just reported by the Appropriations Committee of the House of Representatives makes no provision for the continuance of the investigation of structural materials, which the Government has been conducting at St. Louis during the past two years.

The continuance of this investigation as started is of the greatest importance to owners of buildings, engineers, and contractors, particularly as it embraces the question of reinforced concrete construction, which recently has come into prominence and is being used as a substitution for steel construction.

Everyone who has had experience with reinforced concrete construction realizes that its use is still in its infancy, and that there is a great deal still to be learned which can only be reported through physical tests on completed work.

I wish to urge upon you the desirability, and almost necessity, of appropriating the full amount of \$100,000 for this purpose, and that the investigation should be continued under the Geological Survey at St. Louis, where it was started.

With the sincere hope that you will interest yourself in this matter and aid to secure the passage of the above measure, I beg to remain  
Yours, truly,

J. W. FERGUSON.

WILKES-BARRE, PA., February 23, 1907.

Hon. WILLIAM H. WILEY,  
Member of Congress, Washington, D. C.

MY DEAR MR. WILEY: Inclosed herewith please find carbon copy of letter I have just written to General PALMER in connection with your two favors of February 20.

Trusting that you will be successful in urging the continuance of these very valuable tests, I remain,  
Yours, very truly,

R. V. NORRIS,  
Consulting Engineer.

FEBRUARY 23, 1907.

Gen. HENRY W. PALMER,  
Member of Congress, Washington, D. C.

MY DEAR GENERAL: I notice that in the sundry civil bill no appropriation is recommended for the continuance of fuel investigations or the investigation of structural materials at St. Louis.

These investigations are giving a great amount of extremely valuable data which could not be obtained by individuals, and I think I voice the opinion of practically all engineers in hoping that these may be continued.

If you can do anything to assist in getting these items into the bill, you will earn the gratitude of all of the engineering profession.

Very cordially, yours,

Consulting Engineer.

VULCANITE PORTLAND CEMENT CO.,  
Philadelphia, February 23, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, United States,  
Washington, D. C.

DEAR SIR: I have your letter of the 20th in relation to the appropriation of \$100,000 for continuing the investigation of structural materials at St. Louis.

I have communicated with the two Senators from Pennsylvania and Members of Congress from Philadelphia; also Hon. CHARLES N. FOWLER, of New Jersey (House of Representatives, Washington, D. C.), who represents the district in which our mill is located.

Yours, very truly,

JNO. B. LOBER, President.

FEBRUARY 23, 1907.

Hon. H. H. BINGHAM,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I am writing you to-day to urge that the full appropriation of \$100,000 be made in the sundry civil bill to continue structural materials investigations by the Geological Survey at St. Louis, and to protest against the transference of this work to the Army arsenal near Boston.

Having been connected for many years with the development of the cement industry and the introduction of concrete work for buildings, bridges, etc., I have been associated with the various engineering committees in the preparation of standards for concrete and reinforced concrete. The Government, through the Geological Survey and the Advisory Board on Fuels and Structural Materials, of which I am a member, appropriated \$100,000 last year for the work of the laboratory at St. Louis. This laboratory has been doing work of the most satisfactory and uniform character in the way of experiments with cements, concretes, concrete beams, etc., which are to be acted upon by the joint committees of the engineering societies in the preparation of specifications. This work has gone so far, is so important, and has been done in such a way that to change the location of this work from the present laboratory to the Army arsenal near Boston, as proposed, would involve the total loss of the work so far done and practically put the work of making the specifications a year backward.

For this reason I urge the retention of the appropriation of \$100,000 in the sundry civil bill for the laboratory at St. Louis, believing that the work, when completed there, will be most material to the welfare of permanent and fireproof construction in the United States.

Yours, very truly,

R. W. LESLEY, President.

THE JACOB TOME INSTITUTE,  
Port Deposit, Md., February 23, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of the 20th is just received, and I note that you say this matter will be brought to a vote the last of this week, so that it is too late for me to try to reach any of the delegation from Maryland. I trust, however, that everything will go all right. The investigations surely ought to be carried forward, and if there be anything further that I can do I shall be glad to know about it.

Yours, very truly,

WALTER FLINT.

EXPANDED METAL ENGINEERING COMPANY,  
New York, February 23, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

SIR: Your letter of February 20 is duly received, and I will take pleasure to-day in writing to the Appropriations Committee. I thank you for calling my attention to this subject. I am largely interested in the result of this investigation and will do all I can to further the appropriation. If there were time and opportunity afforded, I could readily get up a good-sized party in New York to come down and appear in person before the committee. I am vice-president of the National Association of Cement Users, and also of the Concrete Association of America.

Inclosed I hand you copy of my letter to the Committee on Appropriations to-day.

Very truly, yours,

MERRILL WATSON.

THE CONCRETE ASSOCIATION OF AMERICA,  
New York, February 23, 1907.

COMMITTEE ON APPROPRIATIONS,  
House of Representatives, Washington, D. C.

GENTLEMEN: I address you appealing for your favorable consideration of an appropriation for \$100,000 to continue the work of investigation of structural materials now being conducted by the Government at St. Louis. A great industry is now being developed in this country. There are no fixed laws upon the subject, neither is there any official data. Municipalities throughout the country are legislating upon the subject, but each one is acting independent of the other because no uniform standards have been arrived at. It is therefore of the utmost importance for the promotion of uniform and wise legislation for the work begun at St. Louis to continue to completion. I appeal to you on behalf of the association indicated by this letterhead, as well as personally. I am interested in the business of reinforced concrete and have been for the past twelve years. The greatest drawback to this business is lack of official and scientific data. This can only be acquired by such a means as is now being employed at St. Louis. Continue the good work!

Very truly, yours,

MERRILL WATSON.

UTICA, N. Y., February 23, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of the 20th instant was slightly delayed in reaching me. I last evening telegraphed to the Hon. J. S. SHERMAN as follows:

"Continuance of \$100,000 appropriation for investigation structural materials under present management is scientifically important. Hope you will support measure."

I have no personal acquaintance with either Senator PLATT or Senator DEWEY, and hardly think a telegram from me to either of them would be of any assistance to you. If Mr. SHERMAN's active assistance can be obtained, I think it will be of great advantage. He can probably advise you as to the best means of reaching the New York Senators, and if I can do anything further in aid of the cause, please command me.

Very respectfully, yours,

CHAPMAN L. JOHNSON.

WEST PENN RAILWAYS COMPANY,  
Connellsville, Pa., February 23, 1907.

Hon. WM. H. WILEY, M. C.,  
Washington, D. C.

DEAR SIR: Have yours of February 20, 1907, and inclose herewith copy of letter I have just written to Hon. A. F. COOPER, M. C.

We are fully in accord with the movement toward continuing the investigations of fuel, and shall be only too glad to do anything we can to forward the matter.

Yours, very truly,

W. E. MOORE,  
General Manager.

FEBRUARY 23, 1907.

Hon. A. F. COOPER, M. C.,  
Washington, D. C.

MY DEAR MR. COOPER: Our attention has just been called to the fact that in the sundry civil bill reported by the Appropriations Committee of the House of Representatives no appropriation was recommended for the continuance of the fuel investigation which the Government has been conducting at St. Louis during the past two and one-half years.

I believe it would be very much to the advantage of the public generally, especially those people living in the coal-mining districts of Pennsylvania, to have these investigations continued, and we are therefore writing you requesting that you use your influence to the end of securing an appropriation of at least \$250,000 in the sundry civil bill to continue these investigations on the fuel problem.

Thanking you in advance for anything you can do toward this end,  
Yours, very truly,

W. E. MOORE, General Manager.



WEST VIRGINIA UNIVERSITY,  
Morgantown, February 22, 1907.

HON. WILLIAM H. WILEY,  
Member House of Representatives, Washington, D. C.

DEAR SIR: I have just received your valued favor of the 20th, and most heartily approve your efforts to have the appropriation for the continuance of fuel investigations included in the sundry civil bill. I inclose herewith a copy of the letter which I am sending to Senator ELKINS, and I have also written a similar letter to our Representative for this district, Congressman THOMAS B. DAVIS.

Trusting that your efforts will bear fruit, I am,  
Very truly, yours,  
C. R. JONES,  
Professor of Mechanical Engineering.

WEST VIRGINIA UNIVERSITY,  
Morgantown, February 22, 1907.

HON. STEPHEN B. ELKINS,  
Senator, Washington, D. C.

DEAR SIR: I have learned from press dispatches and other sources that no appropriation has been recommended for the continuance of the fuel investigation in the sundry civil bill, which the Government has been conducting at St. Louis for the past two or three years. This work I consider of the highest importance to West Virginia, and as our legislature makes no provision for the testing of our coals, either as boiler fuels or for their gas-making properties, every possible effort should be made to have the work continued by the National Government. The work already done at St. Louis has aroused the interest of the engineers all over the country to this long-neglected field of investigation, and while much good has already resulted, a number of investigations have only really been begun, and their discontinuance at this time would certainly be a misfortune to our State.

The published results have included some of the most helpful data that our literature affords in bringing before our classes, at this institution the great engineering problems which our students, especially those locating in West Virginia, will have to face.

In view of the importance of this appropriation, I trust you will use your influence to have it continued.

Very truly, yours,  
C. R. JONES,  
Professor of Mechanical Engineering.

FEBRUARY 21, 1907.

HON. W. H. WILEY, Washington, D. C.

DEAR SIR: Your letter of yesterday was duly received, and in compliance with your request I have written to Mr. BURTON and to Senator DICK in regard to the fuel-testing plant.

I inclose copy of letter to Senator DICK; the other letter was practically identical with this. I thank you for calling my attention to the matter and for giving me an opportunity to speak a word in favor of the testing plant.

Yours, sincerely,  
C. H. BENJAMIN.

FEBRUARY 21, 1907.

HON. CHARLES DICK, Washington, D. C.

DEAR SIR: If press reports are to be believed, the sundry civil bill as reported to the House does not contain any provision for the continuance of the work at the fuel-testing plant at St. Louis.

I have been familiar with the work which has been carried on there the past two years and know the men who are in charge and I should consider it a serious blow to scientific inquiry and to economic investigation if the work should now be discontinued. The problems of fuel supply and consumption are becoming every year more important, and the experiments which are now under way at the testing plant will help in a large measure to solve these problems. The investigations now being made in regard to gas producers and to the use of alcohol for power purposes are instances in point. I trust you may find means to further the introduction and support of an amendment providing for the continuance of this important work.

Member American Society of Mechanical Engineers.

FEBRUARY 22, 1907.

HON. W. W. WILSON, Washington, D. C.

DEAR SIR: I wish to call your attention to my interest as an engineer in the continuation of the work that the Geological Survey has been carrying on at St. Louis, Mo., during the last two or three years in the way of testing fuel. Appropriations have been made from time to time to cover the expense of this work, and noting that it is about time for action to again be taken regarding the matter I trust you will appreciate its importance and be led to do what you can to continue this original and highly important line of investigation.

Very truly, yours,  
GEORGE M. BRILL.

YARMOUTHVILLE, ME., February 22, 1907.

HON. AMOS L. ALLEN, Washington.

DEAR SIR: Trust you will urge and vote for continuance fuel investigation with funds.

GEO. W. HAMMOND.

HON. W. H. WILEY, Washington.

DEAR SIR: Inclosed and above are what I have sent to-day. Your letter came this morning while I was absent. The telegram went before 5 o'clock. The letters go on to-night's mail.

Very truly, yours,  
GEO. W. HAMMOND.

YARMOUTHVILLE, ME.

HON. AMOS L. ALLEN, Washington.

DEAR SIR: As a soda fiber manufacturer and, since 1885, a member of the Society of Mechanical Engineers, I realize the great importance of continuing the fuel investigation the Government has been conducting for two and a half years.

New investigations have been begun and not finished. The combustion of coal is not as well understood as it ought to be, and any improvement will be readily adopted and result in great saving. We are working too much in the dark. No individual or firm can afford to make exhaustive experiments to know all there is to be known.

I hope you will feel like urging and voting for the \$250,000 appropriation asked for for this purpose.

Yours, truly,  
GEO. W. HAMMOND.  
(Same letter to Hon. EUGENE HALE, Hon. WILLIAM P. FRYE.)

MASSILLON, OHIO, February 22, 1907.

WILLIAM H. WILEY, Washington, D. C.:

Inclosed copies of request to Senators and Representatives, as requested. Trust bill may contain the desired amount—\$250,000.

Very fraternally, yours,  
EDMUND GARRIGUES.

FEBRUARY 22, 1907.

The Hon. CHARLES DICK, Washington, D. C.:

The question of an appropriation of \$250,000 to continue the fuel investigations which the Government has been conducting at St. Louis is one of great importance, and I would most respectfully urge attention to this matter. Trusting that we may have your personal support in securing the full appropriation estimated (\$250,000) in the sundry civil bill for the continuance of these investigations during the next fiscal year, I am,

Yours, very respectfully,  
EDMUND GARRIGUES.

SYRACUSE, N. Y., February 23, 1907.

HON. M. E. DRISCOLL,  
Member of Congress, Washington, D. C.

DEAR SIR: As engineers and members of the American Society of Civil Engineers we desire to call your attention to the importance of appropriating \$100,000 in the sundry civil bill to continue the investigation of structural materials which the Government has been conducting at St. Louis during the past two and one-half years.

This work, especially in regard to reinforced concrete, is of great importance to the country at the present time on account of the lack of exact information on this class of structural material, as exemplified by the partial failure of many such structures each month.

We believe that this work should be continued at St. Louis and not transferred to the Army arsenal near Boston and respectfully request that you use your influence for that end.

Thanking you for your consideration of this matter, we are,  
Very respectfully,  
MORRISON & FARINGTON.

THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY,  
Cleveland, Ohio, February 23, 1907.

Mr. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: Referring to your letter of February 20, I have addressed communication to Messrs. BURTON and DICK, urging their assistance in the appropriation referred to, and I personally am indebted to you for your having called my attention to the matter. I inclose you copy of letter I have written these gentlemen.

Yours, truly,  
A. W. JOHNSTON, General Manager.

THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY,  
Cleveland, Ohio, February 23, 1907.

HON. THEODORE E. BURTON,  
House of Representatives,

HON. CHARLES T. DICK,  
United States Senate, Washington, D. C.

DEAR SIR: My attention has been called to the continuance of the appropriation for investigation of structural materials, which the Government has been conducting at St. Louis during the past several years. Last year Congress appropriated \$100,000 for this work, and I understand that the question of another appropriation to enable this work to go on is now before Congress.

As a member of the American Society of Civil Engineers, and as an officer of the American Railway Engineering and Maintenance of Way Association, I am personally very much interested in this matter, and trust that Congress may see its way clear to authorize a continuance of this work, and I therefore appeal to your good will in the matter, trusting that you may use your efforts to aid in this appropriation.

Very truly, yours,  
General Manager.

UNITED BUILDING MATERIAL COMPANY,  
Boston, Mass., February 23, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I note your advice in regard to the reported action of the Appropriations Committee affecting the experimental work at St. Louis. It does not seem to me that this appropriation would be denied after the substantial starting given this project in last year's sundry civil bill.

I will do what little I can to urge further appropriation, and am also very anxious to know why it is proposed to suspend this work at St. Louis and transfer the work to the Watertown Arsenal.

Very respectfully, yours,  
E. S. LARNED.

UNITED STATES COAL AND COKE COMPANY,  
Gary, W. Va., February 23, 1907.

N. B. SCOTT,  
United States Senate, Washington, D. C.:

Would urge your support of appropriation of \$100,000 in sundry civil bill for continuing structural-materials investigation by Geological Survey at St. Louis.

HOWARD N. EAVENSON,  
Chief Engineer United States Coal and Coke Co.

VIRGINIA POLYTECHNIC INSTITUTE,  
Blacksburg, Va., February 23, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: Yours of the 20th instant have been received, and I am sending you copies of my letters to different Congressmen whom I know.

Very truly, yours,  
L. S. RANDOLPH.

BLACKSBURG, VA., February 23, 1907.

HON. CARTER GLASS,  
House of Representatives, Washington, D. C.

DEAR SIR: I want to urge upon you the necessity for an additional appropriation for the continuance of the investigation of structural materials which the Government has been conducting at St. Louis since the exposition at that point.

These have been invaluable to the industrial interests of this country, and I would like to bear testimony to its personal value to the writer not only in his engineering work, but more particularly in his teaching. He has been enabled to place a larger amount and more reliable information, obtained from these reports, in the hands of his students.

Very truly, yours,

(Copy to Hon. H. D. FLOOD, GEORGE A. PEARRE, H. L. MAYNARD, T. L. MARTIN, JNO. W. DANIEL.)

PROVIDENCE, R. I., February 23, 1907.

HON. DANIEL L. D. GRANGER, M. C.,  
Washington, D. C.

DEAR SIR: I note from press dispatches that in the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, there is not any appropriation recommended for the continuance of the investigation of the structural materials which the Government has been conducting at St. Louis during the past two years.

If you have not had time to look into the matter, may I respectfully ask if you will do so, as the work at St. Louis has been of great benefit to the engineers of this country, and at this time, when reinforced concrete construction is being so extensively used, not only in the country, but all over the world, and there is so much practical information that should be learned regarding the subject, it will be most unfortunate, I think, if this appropriation is not made, not only for the engineering profession, but for the building interests and the general public.

Very truly, yours,

EDMUND B. WESTON,  
Member American Society Civil Engineers.

ENGINEERS' SOCIETY OF WESTERN NEW YORK,  
Buffalo, N. Y., February 23, 1907.

HON. WILLIAM H. WILEY, M. C., Washington, D. C.

DEAR SIR: This morning I received your letter of 20th with regard to the \$100,000 appropriation in the sundry civil bill. I wrote to M. J. RYAN, one of our Members of Congress, and I inclose letter (copy). I hope there will be enough civil engineers to use their influence to help in your valuable efforts to have this small request granted.

Yours, respectfully,

S. M. KIELLAND,  
Civil Engineer B. C. R. R.,  
Member American Society Civil Engineers, etc.

FEBRUARY 23, 1907.

HON. J. RYAN, M. C., Washington, D. C.

DEAR SIR: I write to ask your assistance to have passed an appropriation in the sundry civil bill for continuing structural materials investigation by the Geological Survey at St. Louis, Mo. The amount asked is \$100,000. The investigations are of such an enormous importance in their results to the whole nation—both in money and in life protection—that they ought to be continued and completed where they have so well been begun.

We civil engineers do not ask for many favors, so I hope that, too, will be a reason to assist us in this humble and unselfish request as here presented to your valuable consideration and action.

Yours, respectfully,

S. M. KIELLAND,  
Member American Society Civil Engineers,  
Civil Engineer B. C. R. R. Co., etc.

NEW YORK, February 23, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: The American Society of Mechanical Engineers, who represent, as you are aware, one of the most important lines of business so far as the material advancement of this country goes, have very strongly advocated the continuation of the investigations which were begun at St. Louis two and a half years ago for the purpose of investigation of the fuel propositions.

No more important subject, so far as the welfare of this country goes, is before Congress, and yet I note that in the last sundry civil bill the appropriations for the continuation of this work have been left out.

The recent remarks made by Admiral Evans indicates the desirability of the conservation of the coal which we have available at the present time. The result of these investigations, when properly known, will undoubtedly save more coal in our power plants than would be required by the United States fleets when needed for the conditions certified by Admiral Evans.

Speaking for myself, and, I believe, for very many others of the American Society of Mechanical Engineers, I hope that you will do what you can to see that appropriations are made for the continuation of these investigations.

I would say that, if you are not possessed of the information, the American Society of Mechanical Engineers is composed of 3,000 of the mechanical heads or managing heads of the principal manufacturing organizations of this country.

Yours, truly,

F. H. STILLMAN.

NEWTON HIGHLANDS, MASS., February 23, 1907.

HON. W. H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: In response to your letter with reference to the continuance of the appropriation for the investigation of structural materials at St. Louis, I inclose herewith a copy of my telegram and letter to Captain Weeks.

Yours, very truly,

SANFORD E. THOMPSON.

NEWTON HIGHLANDS, MASS., February 23, 1907.

HON. JOHN W. WEEKS,  
House of Representatives, Washington, D. C.:

Full appropriation, \$100,000. Very essential for structural material tests at St. Louis.

SANFORD E. THOMPSON.

NEWTON HIGHLANDS, MASS., February 23, 1907.

HON. JOHN W. WEEKS,  
House of Representatives, Washington, D. C.

DEAR SIR: I understand that the sundry civil bill has been reported with no appropriation for the continuance of the tests of structural materials, and I have just wired you as per confirmation of telegram inclosed.

It is very essential for the safety of reinforced concrete construction that definite rules for computation be recommended at the earliest possible moment. This can not be done without tests, and these tests can not be made by private parties; in the first place, because of the expense, and in the second place, because it would be almost inevitable that the conclusions would be biased, or at least that the public would not place faith in them.

The tests are now well under way at St. Louis, but from the nature of the material it is impossible to obtain final results in a few months' time.

The joint committee of the National Engineering Societies has been holding frequent meetings during the past year, with no remuneration, the members paying their own expenses to the place of meeting. In addition the committee has consumed a great deal of valuable time in analyzing the results of tests already made, so as to eliminate all unnecessary work by the Government. For example, I, as chairman of the committee on aggregates, have presented a forty-five-page report on the present status of this branch of the subject.

I trust that you will appreciate the importance of doing anything in your power which will further the insertion of this appropriation of \$100,000 for structural materials investigation.

The suggestion has been made that these tests be transferred to the Watertown Arsenal. In my opinion the arsenal might well handle a portion of the tests, especially the column tests; but the men at St. Louis are organized for the work of making and breaking beams, and it seems to me that it would be unwise to change the present organization.

Appreciating anything which you may do in this matter, I remain,  
Yours, very truly,

WASHINGTON UNIVERSITY,  
St. Louis, Mo., February 23, 1907.

HON. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of the 20th instant is just received. I have sent the following to the Hon. WILLIAM J. STONE, WILLIAM WARREN, members of the United States Senate, and the Hon. RICHARD BARTHOLOMEW, J. T. HUNT, E. E. WOOD, Members of the House of Representatives, all from this State:

"As a member of the American Society of Civil Engineers, I respectfully urge you to insist upon incorporating in the sundry civil bill the desired appropriation of \$100,000 for continuing the investigations of structural materials at St. Louis, which have under the previous appropriation been so successfully inaugurated. I consider this work of great value to the whole country, and its possible interruption from failure of an appropriation would be a serious matter."

I thank you for bringing this matter to my attention and hope that the item may be replaced and passed.

Very truly, yours,

J. L. VAN ORNUM.

FEBRUARY 23, 1907.

HON. SAMUEL W. MCCALL, Washington, D. C.

MY DEAR MR. MCCALL: A great many of my friends, and I can count among them the leading mechanical engineers, are interested in the continuance of the fuel investigations which the Government has been conducting at St. Louis.

It will be to their interest and mine if you will investigate this matter, and if you can see your way clear to vote for a suitable appropriation for this work.

Yours, very truly,

CALVIN W. RICE,  
Secretary American Society Mechanical Engineers.

PITTSBURG, PA., February 23, 1907.

HON. WILLIAM H. WILEY,  
The Highlands, Washington, D. C.

MY DEAR SIR: Your letter of the 20th instant regarding the sundry civil bill reached me to-day, and I have accordingly written to Hon. JOHN DALZELL, JAMES F. BURKE, A. J. BARCHFELD, and Senator KNOX. I would have telegraphed, but a letter will reach them as soon as a telegram would.

Hoping that my letter will be of some service, I am,

Yours, very truly,

WM. WHITE, Jr.

BOUND BROOK, N. J., February 23, 1907.

HON. WILLIAM H. WILEY, Washington, D. C.

MY DEAR MR. WILEY: I received your letter, and early this morning wired our Member of Congress, IRA W. WOOD, regarding the bill.

I have also written a letter to him and to both of our Senators. I know that Mr. WOOD will do all he can for me, and I believe that at least one of the Senators will read my letter carefully.

Inclosed you will find copy of my letter to Mr. WOOD; the other two letters are substantially the same, excepting the clause regarding the telegram.

Am glad that you called my attention to this matter, and I hope that I may prove of some assistance.

Very truly, yours,

H. M. HERBERT.

BOUND BROOK, N. J., February 23, 1907.

HON. IRA W. WOOD, M. C., Washington, D. C.

MY DEAR MR. WOOD: My attention has been called to the fact that the sundry civil bill as reported to your House contains no appropria-



tion for the continuance of the investigation of structural materials, and in consequence I wired you to-day as follows:

"Kindly use influence to have full appropriation, \$100,000, in sundry civil bill for investigation structural materials at St. Louis passed."

As you are perhaps aware, this investigation has been in progress for the past two or three years, and I consider it a matter of vital importance, not only to us engineers, but also to every one interested in the economical and safe construction of buildings and structures of all kinds, that this important work should not be held up at this time for lack of a small appropriation. And I would urge that this work be continued, as at present, at St. Louis, as I believe that better results will be obtained there than by making the proposed change to the Army arsenal near Boston.

If you will use your best endeavors to have \$100,000 appropriated for the above purpose, I shall consider it a great favor.

Very truly, yours,

H. M. HERBERT,  
Member American Society Civil Engineers.

CINCINNATI, OHIO, February 23, 1907.

Hon. JOSEPH RHINOCK,  
Member of Congress, Washington, D. C.:

Earnestly urge you to insist on appropriation continuing investigation structural material at St. Louis. Matter vitally important all industries.

H. M. KNAPP.

COLUMBUS, OHIO, February 23, 1907.

Hon. WILLIAM H. WILEY,  
Member of Congress, Washington, D. C.

MY DEAR SIR: In obedience to your request of the 20th I have this day sent letters to Congressman E. L. TAYLOR, of this district, and Senator DICK, of Ohio, copies of which are, as you request, inclosed.

I certainly hope that you will be successful in carrying through the appropriation.

In regard to the proposed removal of the work to this city, I do not know that that was ever seriously considered, but I thought that TAYLOR might be influenced by this consideration if no other would do.

Wishing you success, I remain,

Very truly, yours,

HAROLD M. BUSH.

COLUMBUS, OHIO, February 23, 1907.

Hon. CHARLES DICK,  
United States Senate, Washington, D. C.

DEAR SIR: I am advised that the Appropriations Committee of the House has omitted from the sundry civil bill the item appropriating the money for the continuance of the work of Fuel Investigation Commission.

I wrote you about a year ago calling your attention to the value of this work and received your very satisfactory reply. I therefore take the liberty of again requesting your interest in this work and your support of the same.

The nature of the work of the Commission is such that its abandonment at this time would be an injury to the business of the entire country, and the coal-producing States would be the greatest sufferers thereby.

Thanking you in advance for your interest in this matter, I remain,

Very respectfully,

LOUISVILLE, KY., February 23, 1907.

Hon. SWAGAR SHERLEY, M. C.,  
Fifth Kentucky District, Washington, D. C.:

I urge appropriation of \$100,000 to continue investigations upon structural material by Geological Survey at St. Louis and protest against transferring the work thence to Army arsenal near Boston.

CHAS. HERMANY,  
Past President American Society of Civil Engineers.

ILLINOIS, February 23, 1907.

Mr. WILLIAM LORIMER, M. C., Washington, D. C.

DEAR SIR: I noticed that no appropriation has been made for the continuance of the investigation of structural materials which has recently been conducted by the Government and feel that it would be very unfortunate if this investigation were not continued without interruption. I would therefore ask you to do what you can to secure the addition of an appropriation for this purpose in the sundry civil bill, and trust that a sufficient amount may be appropriated for this purpose.

Yours, truly,

W. L. COWLES.

ST. LOUIS, MO., February 23, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I have your favor of the 20th instant regarding the continuance of the investigation of structural materials which the Government has been conducting at St. Louis during the past two and one-half years.

I fully harmonize with your views, and have this day written to our Representative, Hon. BARTHOLDT, to use his influence in this behalf.

Yours, truly,

H. ROHWER, Consulting Engineer.

FEBRUARY 23, 1907.

Hon. RICHARD BARTHOLDT,  
House of Representatives, Washington, D. C.

DEAR SIR: I have received a letter from Mr. WILLIAM H. WILEY, Member of Congress, urging me to express my views in behalf of an appropriation for further investigation of structural materials, which the Government has been conducting at St. Louis during the last two and one-half years, in which the engineering profession of this country and, we may say, of the world, is especially interested.

I personally am very much in favor of seeing this work carried on for another year and longer, if necessary, to bring about a full knowledge of concrete, simple and reinforced, and I believe I will express the sentiment of the engineering profession of this locality and the West if

I would extend to you the request to kindly lend your influence in this behalf.

Yours, very truly,

Consulting Engineer.

SCRANTON, PA., February 23, 1907.

Hon. WILLIAM H. WILEY, Washington, D. C.

SIR: In accordance with your communication of February 18, which was, however, received very late, I forward herewith copies of letters just sent to Representative THOMAS H. DALE. The engineers of Scranton are greatly interested in the tests of fuels and other materials carried on by the Government, and if there were time to secure the action of our local engineers' club, consisting of about 250 civil, mining, mechanical, electrical, and other engineers, I have no doubt but that strong resolutions favoring such an appropriation would have been adopted and forwarded. Last year such action was, I understand, taken and communicated to Mr. DALE.

Trusting that through your efforts the appropriation may yet be secured, I am,

Respectfully, yours,

A. B. CLEMENS.

SCRANTON, PA., February 23, 1907.

To the Senators and Representatives from Pennsylvania.

SIRS: We, the undersigned, being engaged in the various engineering professions, respectfully request that you favor the insertion of an appropriation in the sundry civil bill now before Congress for the amount of \$250,000, as asked for, to continue the investigations now being made by the Government on the various fuels of the United States. We believe these investigations to be of great value to the whole country, and especially to those engaged in engineering, manufacturing, and transportation.

Very respectfully,

E. H. Powell, A. Llano, D. E. Carpenter, C. Wadsworth,  
F. W. Brady, Thos. N. Thomson, L. H. Hall, J. F.  
Cosgrove, A. B. Clemens, F. H. Doane, J. T. Beard,  
S. A. Fletcher, T. W. Holloway, John M. Maris, J. J.  
Cosgrove.

SCRANTON, PA., February 23, 1907.

Hon. THOMAS H. DALE, Washington, D. C.

SIR: I inclose herewith a letter signed by Scranton engineers, to whom I was able to submit it in the very short time at my disposal. These men are in almost every case members of our leading national engineering organizations and are greatly interested in the work of testing fuels and kindred materials. I have no doubt that if a meeting of the Engineers' Club could have been called unanimous action would have been taken urging an appropriation for the prosecution of fuel tests in the sundry civil bill. You may remember that last year such action was taken and a record thereof communicated to you.

Trusting that you may lend your influence and support to the insertion of this appropriation, I am,

Very respectfully,

A. B. CLEMENS.

FEBRUARY 23, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 20th instant at hand concerning appropriation for fuel investigation, and have written the Hon. THEODORE E. BURTON, and am inclosing you a copy of my letter.

Very respectfully,

AMOS B. MCNAIRY.

FEBRUARY 23, 1907.

Hon. THEODORE E. BURTON,  
House of Representatives, Washington, D. C.

MY DEAR MR. BURTON: If I read the reports in the newspapers aright, I gather that in the sundry civil bill no funds are provided for continuing the fuel investigations the Government has been carrying on at St. Louis during the past two or more years.

As a manufacturer and mechanical engineer, I trust the announcement is incorrect, for I am sure that the results already accomplished along this line of investigation is of great importance to the industrial and domestic departments of our country. I have read with interest the reports already published and the valuable information given relative to heat units of the various coals, to say nothing of the many other characteristics mentioned appertaining to our coal measures, which I consider of inestimable value to the people.

I hope you are in favor of having the Government go on with this work and can lend your influence, if need be, toward securing funds to proceed with the investigations. I believe in this as much as I did in granite for our post-office.

Very truly, yours,

JACKSONVILLE, FLA., February 23, 1907.

Senator JAMES P. TALIAFERRO, Washington, D. C.:

Influence Florida delegates urged to secure appropriation for investigating structural materials, sundry civil bill.

J. W. SACKETT.  
E. BURSLEM THOMSON.  
F. W. BRUCE.

SEMET-SOLVAY COMPANY, RETORT COKE OVENS,  
Syracuse, N. Y., February 23, 1907.

Hon. WILLIAM H. WILEY,  
House of Representatives, Washington, D. C.

DEAR SIR: I beg to acknowledge your letter of February 20, just at hand, regarding the failure of the Appropriations Committee to recommend an appropriation for the fuel investigations at St. Louis during the coming year. I beg to inclose copy of letter which I have written to my Congressman on the subject.

Yours, very truly,

W. H. BLAUVELT.

SYRACUSE, N. Y., February 23, 1907.

Hon. M. E. DRISCOLL,  
House of Representatives, Washington, D. C.

DEAR SIR: I note in the daily papers that in the sundry civil bill no appropriation is recommended for the continuance of fuel investiga-

tions which the Government has been conducting at St. Louis during the past two and one-half years, and which the interests which I represent believe have been and will be of very great value to the metallurgical industries and to the country at large, provided they can be carried through to the logical and proper conclusion. Congress has appropriated a good deal of money in past years to this work and much of this money will be lost, or only of partial value, unless the work that has been undertaken is carried to a finish.

I trust that you will see your way clear to do what you can to insure the recommendation of suitable appropriation for the continuance of this work, which I understand has been estimated at \$250,000, the same amount as appropriated last year. If there is any doubt on your part as to the wisdom of the expenditure, I trust that an inquiry will be made among those naturally interested in the results of the work before the bill is permitted to go through without an appropriation for this cause, the true value of which is just beginning to be fully realized by the users of fuel for industrial and metallurgical purposes in this country.

Yours, very truly,

ANN ARBOR, MICH., February 23, 1907.

Hon. W. H. WILEY,  
Committee on Private Land Claims,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I beg to acknowledge yours of February 20, 1907, relative to the appropriation for investigations upon structural material by the United States Geological Survey. I have this morning both telegraphed and written to the Hons. JULIUS CESAR BURROWS, WILLIAM ALDEN SMITH, CHARLES E. TOWNSEND, JOSEPH W. FORDNEY, and EDWIN DENBY regarding the matter, and inclose you a sample letter which will give you all necessary information.

Very truly, yours,

FEBRUARY 23, 1907.

Hon. WILLIAM ALDEN SMITH,  
United States Senate, Washington, D. C.

DEAR SIR: Having learned that the sundry civil bill includes no appropriation for continuing the very valuable investigations of the United States Geological Survey upon structural materials, I took the liberty this morning of wiring you as follows:

"Very important to engineering profession that sundry civil bill provide funds for continuance of structural-material investigations by Geological Survey at St. Louis. Hope you can assist in this matter."

The work at St. Louis is just coming to a stage where the results obtained promise to be of exceptional value, not only to the engineering profession at large, but particularly to those engaged in the construction of the Panama Canal. It is unnecessary for me to call to your attention the wonderful utilization of reinforced concrete in building structures of all kinds and the interest of the State of Michigan in this material, nor should it be necessary for me to more than refer to the numerous instances of failure of such constructions to demonstrate to your mind the necessity of prompt and carefully conducted investigations upon this material.

I sincerely hope, as do a very large number of your constituents who are members of my profession or closely allied with it, that you may see your way clear to assist in the continuance of this work under the present management with an ample appropriation.

Very truly, yours,

G. S. W.,  
Professor of Civil Engineering,  
University of Michigan.

TOLEDO, OHIO, February 23, 1907.

Hon. WILLIAM H. WILEY, M. C.,  
Washington, D. C.

DEAR SIR: As requested in yours of February 20, I inclose copy of letter mailed to-day to Hon. J. H. SOUTHARD, Member of Congress from this district.

Yours, truly,

C. BUXTON,  
Member American Society of Civil Engineers.

TOLEDO, OHIO, February 23, 1907.

Hon. J. H. SOUTHARD, M. C., Washington, D. C.

DEAR SIR: You no doubt are familiar with the fact that the Government has for the past two and one-half years been conducting an investigation of structural materials at St. Louis, for which an appropriation of \$100,000 was granted last year. This fund has been nearly exhausted, and unless another appropriation is made the work must cease, which would be unfortunate in the extreme. The American Society of Civil Engineers, realizing the importance of this work, is very desirous of having it continued at least until a number of problems, and especially those relating to concrete and reinforced concrete, which at this time is attracting so much attention throughout the country, can be definitely solved. In view of this situation, I would respectfully ask you to use your influence to have incorporated in the sundry civil bill an appropriation of \$100,000 for the purpose of continuing these investigations.

Yours, very truly,

Member American Society of Civil Engineers.

AMERICAN BRIDGE COMPANY,  
February 23, 1907.

Hon. JAS. H. SOUTHARD, M. C.,  
Washington, D. C.

DEAR SIR: I have been very much interested in the work which has been carried on at St. Louis during the past two or three years covering investigation of structural materials. This seems to me to be a work which can not well be carried on to good advantage by private parties, and one which, it seems to me, the Government can well afford to keep up.

An appropriation of \$100,000 for this work has been wanted for the year beginning July 1, 1907. Some good work has been done in this connection, which will have to be stopped unless this appropriation is made. I would urge that this appropriation be included in the sundry civil bill now before your body.

Recent investigation relative to concrete and reinforced concrete have only been begun, and it is important that if anything is to come of the money already spent that it be kept up until these investigations are finished. The sum wanted is so small and the results of the investigation so important and useful to all the people that it seems

unwise to stop the work now for failure to appropriate the necessary money.

Trusting that you will investigate this matter carefully and aid what you can to keep up this appropriation for this worthy purpose, I am,

Yours, respectfully,

M. J. RIGGS,  
Member American Association Civil Engineers.  
(Have sent same letter to Senators FORAKER and DICK.—R.)

THE CHICAGO AND ALTON RAILROAD COMPANY,  
Chicago, February 23, 1907.

Hon. W. H. WILEY,  
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: I received your letter of February 20, and promptly telegraphed our Chicago Members in Congress as per attached copy of telegram. I hope you will be successful in having this appropriation included in the sundry civil bill.

Yours, very truly,

S. M. FELTON.

CHICAGO, February 23, 1907.

Hon. M. B. MADDEN,  
Hon. WILLIAM LORIMER,  
Hon. H. S. BOUTELL,  
Hon. W. W. WILSON,  
House of Representatives, Washington, D. C.:

I hope you will insist in incorporating in sundry civil bill appropriation of \$100,000 for continuance of investigation of structural materials at St. Louis, which Government has been conducting for past two years. This work is very important, and discontinuance of it would be great misfortune.

S. M. FELTON.

CINCINNATI, February 23, 1907.

WILLIAM H. WILEY, M. C., Washington, D. C.

DEAR SIR: Yours of the 20th instant is at hand. I saw Mr. Warington, chief engineer of our Cincinnati Southern, who sent dispatches to both Mr. LONGWORTH and Senator FORAKER, and I have written to each of them. I inclose copy of the letter to Mr. LONGWORTH, the one to Senator FORAKER being a copy, except as to the address and the closing paragraph. All of these papers will be in Washington by Monday next, and I hope will help in securing the appropriation.

Thus far I have seen little that has been published regarding the work which has been done at St. Louis, but the investigations are being made in a field in which every practicing engineer feels that he needs basic facts, and if this investigation produces none, then it should not be continued.

Very truly, yours,

M. D. BURKE.

CINCINNATI, February 23, 1907.

NICHOLAS LONGWORTH, M. C., Washington, D. C.

DEAR SIR: At the St. Louis Exposition the American Society of Civil Engineers conducted a "world's congress of engineering." At the close of the exposition it was decided to utilize the laboratories and machinery there assembled for testing and studying the physical properties of certain materials of construction about which further knowledge is desired. The United States Government made an appropriation for the purpose, and last year Congress appropriated \$100,000 for continuing the work during the year ending July 1, 1907. Very interesting results have been obtained. Only recently investigations have been commenced regarding concrete and reinforced concrete by engineers representing the American Society of Civil Engineers, the Isthmian Canal Commission, and the Reclamation Service, which studies can not be completed by the coming July. It was sought to secure an appropriation of \$100,000 in the sundry civil bill, providing for the continuance of the work for another year. I notice that this item has not been included in the sundry civil bill, and I take the liberty of writing to urge you to endeavor to have the appropriation included, as the stopping of the work at this time would be very wasteful and highly detrimental to all building industries.

It is plain that the physical properties of materials of construction and their combinations must be known before they can be either intelligently, economically, or safely used, and with the laboratories and testing machines now installed at St. Louis, knowledge of great value can be added to that which now exists in this comparatively new field, where it is so much needed.

Our Government is not so liberal in these investigations as is that of either France or Germany, but we can not appropriate their work because of the difference in material and the time which must elapse before their results are available.

I think that Mr. GOEBEL will be glad to aid. I will also write Senator FORAKER, for I do think that this appropriation should not fail.

Very respectfully, yours,

M. D. BURKE.

CITY OF COLUMBUS, OHIO, BOARD OF PUBLIC SERVICE,  
Columbus, February 23, 1907.

Hon. W. H. WILEY,  
Member of Congress, Washington, D. C.

DEAR SIR: Your letter of the 20th instant, relative to appropriation for investigation of structural materials, was duly received.

I inclose herewith copies of letters to Hon. E. L. TAYLOR, Hon. JOSEPH B. FORAKER, and Hon. CHARLES B. DICK urging them to support an appropriation of not less than \$100,000 for the continuance of these investigations.

Very truly, yours,

JOHN H. GREGORY,  
Engineer in Charge.

FEBRUARY 23, 1907.

Hon. CHARLES B. DICK,  
Senator, Washington, D. C.

DEAR SIR: My attention has just been called to the fact that no appropriation has been recommended in the sundry civil bill for continuance of investigations of structural materials which the Government has been conducting at St. Louis during the past two years or so.

The investigations which the Government are carrying on are of the greatest importance, and I would urge you to support an appropriation of not less than \$100,000 for the continuance of this work for the year beginning July 1, 1907.

Very truly, yours,

JOHN H. GREGORY,  
Engineer in Charge.



CINCINNATI, OHIO, February 23, 1907.

HON. J. B. FORAKER,  
United States Senator, Washington, D. C.

DEAR SIR: I have been much interested in the investigation of structural material which the Government has been testing for the past two years at St. Louis, and as an engineer and a member of the American Society of Civil Engineers I hope Congress will authorize a continuation of this work for the year beginning July 1, 1907, as a discontinuance of these investigations would seem like throwing away a great deal of the work done.

Anything you can do in this matter will be appreciated by the undersigned, a resident of Cincinnati.

Very truly, yours,

W. ARCHER, Civil Engineer.

THE HELDERBERG CEMENT COMPANY,  
Howes Cave, N. Y., February 23, 1907.

HON. WILLIAM H. WILEY,  
Washington, D. C.

DEAR SIR: Replying to your favor of the 20th, we have written to our Representative in Congress, Mr. GEORGE M. SOUTHWICK, urging him to work for an appropriation for the continuation of fuel investigations at St. Louis.

The writer would be greatly interested in getting a copy of the report of these fuel investigations already published and have his name placed on the mailing list for any new reports to be issued, and trust you can arrange this.

Yours, truly,

HELDERBERG CEMENT CO.,  
By F. W. KELLEY, General Manager.

MY DEAR MR. WILEY: Yours of the 20th did not reach me until yesterday morning. I had to write the two letters myself Sunday, one to JOHN DALZELL, of the House, and one to Senator P. C. KNOX, of the Senate. They are both, practically speaking, a copy of the inclosed. If I had more time, could have given them a stronger letter. You will please excuse the pencil, but the fact is my pen is so cold to-day that it is very difficult for me to write with a pen. Hoping what I have done will be of service to the cause, as ever,

Yours, sincerely,

JOHN FRITZ,  
Past President American Institute Mechanical Engineers,  
Past President American Institute Mining Engineers.  
BETHLEHEM, Pa., February 24, 1907.

[Copy of the letter sent to KNOX and DALZELL.]

I have noticed in the press dispatches that the sundry civil bill just reported to the House contains no appropriation for continuance of the investigation of structural material or for fuel investigation, which the Government has been making. In regard to the former, it is of the utmost importance to the civil engineers that it should be continued, at least until the most important problems have been solved, and they are many. In regard to the latter, it is as important to the mechanical engineer as the former is to the civil. In fact, every engineer that has to do with coal, iron, or steel, whether he is a civil, mechanical, mining, or electrical, are most vitally interested in both problems, and beyond this the people of the whole country should be equally interested with the engineer. A want of proper knowledge of material may cause failure, consequently loss of life and untold misery, which we have almost daily evidence of, and I ask that you will do all you can to have the experiments continued for the welfare of the people.

Mr. BARTHOLDT. As a member of the Committee on Public Buildings and Grounds, I have become deeply impressed with the importance of the tests of structural material. I have been reliably informed by officers of the Government, not of the Geological Survey, that these tests will result in great economy to the Government; that in connection with the erection of the new public buildings there is in the last bill passed by this House about \$1,000,000 that can be saved to the Government as a result of the work already accomplished by these tests, especially with regard to reinforced concrete, and I believe that if this investigation is continued the Government will save more than a million dollars every year, not for private parties, but for itself, in construction work, especially since we are now undertaking the construction of the Panama Canal, and large works of construction are being constantly carried on.

Mr. MADDEN. How would it affect the work in connection with the construction of the Panama Canal?

Mr. LITTAUER. I would like to know where this million dollars is saved that has already been indicated.

Mr. BARTHOLDT. It will be saved in securing better buildings for the Government for less money.

Mr. LITTAUER. What particular building? If this million dollars is to be saved, and this estimate has been made, what particular building is to have a certain amount of saving in it?

Mr. BARTHOLDT. That is very simple. In other words, if we appropriate \$100,000 for a new post-office building, the Government will secure for that amount of money a better building than it would secure if these tests had not been made.

Mr. TAWNEY. Can not that test be made at the Watertown Arsenal?

Mr. BARTHOLDT. No, sir. I will answer the question by saying that the tests at the Watertown Arsenal are tests of ordnance material, mainly metals.

Mr. TAWNEY. The gentleman does not want to make a misstatement of facts here. I want to correct him. The report says:

Respecting the industrial tests now under investigation—ingot steel and forgings therefrom, cement, and concrete—special mention will be made of the latter group.

Then he goes on to enumerate the number of tests—2,702 public tests that he made in the last year, outside of the ordnance of the War Department.

Mr. BARTHOLDT. My information, which is reliable, is to the effect that the machines at Watertown are not adapted for tests of structural material at all, but adapted to tests of metals or ordnance material, as I said before. As to the work being done in the laboratory of the Supervising Architect, that office has not the necessary appliances. In other words, if you vote down this amendment you simply discontinue all these important and most valuable tests. They will not be made at Watertown and they will not be made by the Supervising Architect.

Mr. TAWNEY. Will the gentleman tell me whether they will be made at St. Louis or at the Jamestown Exposition?

Mr. BARTHOLDT. They will be made at St. Louis, if I have anything to do with it.

Mr. TAWNEY. The gentleman knows very well that it is to be moved to Jamestown.

Mr. BARTHOLDT. I am perfectly willing, Mr. Chairman, to run my chances as to whether they are to be made in St. Louis or not. Even if that plant were temporarily to be moved from St. Louis to Jamestown, I would still be in favor of this investigation being continued. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman—

The CHAIRMAN. Will the gentleman from St. Louis yield to the gentleman from Tennessee?

Mr. BARTHOLDT. If he will be brief.

Mr. GAINES of Tennessee. Now, will this additional appropriation elaborate the possibility of this machinery doing this, that, or the other—something that it is doing now?

Mr. BARTHOLDT. Mr. Chairman, I am not in favor of increasing the appropriation to \$150,000. I am for the amendment offered by the gentleman from Nebraska.

Mr. GAINES of Tennessee. What is it that the machinery does not do that the gentleman wants done?

Mr. BARTHOLDT. All the machinery for these tests has already been acquired. That plant occupies three buildings at St. Louis, and it occupies an acre and a half of ground, and they are ready to make all kinds of tests with the machinery now on hand. This will not cost any additional amount of money.

Mr. GAINES of Tennessee. They have all kinds of machinery at Watertown for testing cement, mortars, and concrete, plain and reinforced, and building material of all sorts.

Mr. BARTHOLDT. Mr. Chairman, I merely want to impress upon the minds of the Members the advantage to the Government itself in having these tests continued.

The CHAIRMAN. The gentleman is recognized for the last five minutes.

Mr. NORRIS. Mr. Chairman, there are two objections only that I have heard made to this appropriation. They were made by the chairman of the Committee on Appropriations. One is that there is a duplication of work, and the other is that the work is done for private individuals. I want to say that neither one of these statements is in accordance with what are really the facts. There is no duplication of work. I want to say right here, Mr. Chairman, that I am not complaining or finding fault with the experiments that are performed at the Watertown station. They do a class of work there that is highly beneficial, wherein the money expended in behalf of the United States is well and economically expended.

Mr. GAINES of Tennessee. By whom?

Mr. NORRIS. But this particular item is for a different purpose entirely. This work has been under the charge of an advisory board, in which there is one engineer from the Isthmian Canal Commission, two from the War Department, two from the Navy Department, the Supervising Architect of the Treasury, and the chief engineer of the Reclamation Service. They are experimenting with the actual conditions as they are found to exist in different parts of the country in the construction of buildings and dams in which the Government is interested.

Now, then, at Watertown they perform a different kind of experiments. But this appropriation is for the purpose of enabling the Geological Department to go out into the field where we are going to build buildings, construct dams, etc., to make examination of the sands, stone, gravels, clays, and other materials for cement, etc., found in the vicinity of such governmental undertaking in order that such work may be performed economically and in such a way that it will last and be permanent and substantial.

Mr. LITTLEFIELD. Mr. Chairman—

Mr. NORRIS. Just a moment. I only have a short time.

The CHAIRMAN. Does the gentleman yield?

Mr. NORRIS. Not at the present time.

In the next place, we are experimenting in the cement work in connection with the Panama Canal, where it is estimated we are going to build locks and dams that will cost \$40,000,000. We want to build for all time. This board has been experimenting and will continue to experiment as to the best materials and the proper proportion in which they should be used. There is some material that is to be used that will be exposed to the atmosphere, some to fresh water, and others to salt water. It takes time to experiment; and they are taking the time and experimenting with it and trying it under all conditions.

Mr. TAWNEY. Now will the gentleman allow me?

Mr. NORRIS. Just a moment. I want to answer the other objection the gentleman has made.

Now, Mr. Chairman, the gentleman has stated it is done for private parties only. I want to say that the Government of the United States is the greatest builder in this country. It is constructing more buildings and more improvements than any individual.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. NORRIS. After a while, if I have time.

Mr. TAWNEY. I want to correct a statement made by the gentleman.

Mr. NORRIS. I want to finish what I have to say. If I have time, I will yield later.

They go on experimenting in different kinds of building materials. Incidentally the public gets the benefit of any experiments they perform. While the Government is making experiments in its own materials, to be used upon its own buildings, its own dams and improvements, everybody gets the benefit of the experiment, and the people generally receive the benefit that the Government has brought about in the experiments with its own property under the provisions of this law. We not only get better Government work on public undertakings, but all the people can take advantage of the improvements made possible by the governmental experiments. Now, the gentleman says this is done for private individuals. Why, the law, this very amendment, provides that it can not be done for private individuals. This very amendment provides that the experiments will be made upon property belonging to the United States.

This supervising board that I have referred to on June 2, 1906, made a report to the President in reference to the work that is being done by this Department, in which they say:

When it is remembered that the yearly losses from fire in the United States aggregate \$2.30 per capita, as compared to 33 cents per capita in European countries; that the fire losses in the United States during the past ten years have aggregated not less than \$1,250,000,000; that the people expend annually in building and construction work \$1,000,000,000, and that this Government itself expends annually for such purposes more than \$20,000,000, it is apparent that this whole subject deserves the most serious consideration by the Government.

This committee furthermore begs to express the opinion that a thorough investigation of the properties of the materials of construction and fireproofing, and the resulting increased economies in our systems of construction, may be expected to save annually from 5 to more than 10 per cent of these total expenditures, which would mean an annual saving to the Government alone on its present expenditures of from one to two million dollars, and to the people of this country a saving of many millions each year.

On December 5, 1906, the President, in a letter to the chief engineer of the Isthmian Canal Commission, spoke in the highest terms of the work done by this Department, and called attention to the value of these experiments in structural materials in connection with the construction of the Panama Canal and other Government work.

There is no appropriation made by Congress that will be of more value to the people of the United States than this particular one. Its result will mean cheaper and better buildings, not only for the Government, but for all our people. It will save millions in the construction of the Panama Canal and in the Reclamation Service of the great West, and besides make those great undertakings more substantial and less liable to destruction and decay.

Mr. TAWNEY. Right there, will the gentleman permit a question?

Mr. NORRIS. All right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask that the gentleman may have two minutes.

Mr. KEIFER. Not unless there is to be extension of the time for debate.

Mr. TAWNEY. I ask unanimous consent that during—

Mr. KEIFER. I object to any extension of time unless you divide the time for debate.

Mr. TAWNEY. You have had sixteen minutes on your side.

The CHAIRMAN. The gentlemen are out of order.

Mr. KEIFER. If you will not divide the time, I will object.

Mr. UNDERWOOD. I object.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. TAWNEY. I ask unanimous consent that I may have two minutes and the gentleman from Ohio may have two minutes.

Mr. SHACKLEFORD. I demand the regular order.

Mr. UNDERWOOD. I object.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. TAWNEY. I ask unanimous consent for one minute, to correct the statement made by the gentleman from Nebraska.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. I object.

The CHAIRMAN. Objection is made. The question before the House is the amendment offered by the gentleman from New Jersey [Mr. WILEY] to the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

Mr. WILEY of New Jersey. I withdraw my amendment.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to withdraw his amendment to the amendment.

Mr. TAWNEY. I move to strike out the last word of the pending amendment.

Mr. DALZELL. No; debate has been exhausted.

Mr. KEIFER. Debate has been closed at the instance of the gentleman.

The CHAIRMAN. The Chair will state the parliamentary status. The gentleman from New Jersey [Mr. WILEY] asks unanimous consent to withdraw his amendment to the amendment. Is there objection?

Mr. SHACKLEFORD. I object.

The CHAIRMAN. The gentleman objects. The question, then, is on the amendment of the gentleman from New Jersey, [Mr. WILEY] to the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

Mr. THOMAS of North Carolina. Mr. Chairman, let us have that amendment reported.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

Mr. PAYNE. Regular order!

The CHAIRMAN. Objection is made.

The question being taken on the amendment of Mr. WILEY of New Jersey, it was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Nebraska [Mr. NORRIS].

The question being taken, on a division (demanded by Mr. NORRIS) there were—ayes 83, noes 35.

Accordingly the amendment was agreed to.

Mr. DALZELL. Mr. Chairman, I offer the following amendment, to follow the amendment just adopted.

The Clerk read as follows:

Following the amendment just agreed to, add the following:

"For the continuation of the analyzing and testing of the coals, lignites, and other minerals and fuel substances belonging to the United States, in order to determine their fuel value, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, \$250,000: *Provided*, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: *Provided further*, That in publishing the results of these investigations the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits."

Mr. TAWNEY. Against that amendment I make the point of order that it is not in order and not authorized by law.

Mr. DALZELL. Mr. Chairman, so far as that part of the amendment that I have offered is concerned, which follows the words making the appropriation, I think that portion is subject to the point of order.

Mr. SHACKLEFORD. Why don't you make the appropriation larger?

Mr. DALZELL. But up to that point the amendment is identical with one passed upon by the Chair one year ago. I call the attention of the Chair to page 8500 of the CONGRESSIONAL RECORD of the last session. The gentleman from Colorado [Mr. BROOKS] offered an amendment.

For the continuation of the analyzing and testing of the coals, lignites, and other minerals and fuel substances belonging to the United States, in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, \$100,000.

That was subsequently raised to \$250,000, the same amount as is incorporated in my amendment. To that the gentleman from Iowa [Mr. SMITH] made the point of order, and the Chairman of the Committee of the Whole said:

The organic act, which has already been referred to and quoted, provides for the examination of the geological structure and mineral re-



sources and products of the national domain. It seems to the present occupant of the chair that that language is broad enough to cover fuel substances belonging to the United States. The Chair therefore overrules the point of order.

As I say, subsequently the amount was changed to \$250,000. Now, assuming, of course, that the Chair will follow his previous rulings, as I have no doubt he will, the first part of that amendment is in order; and it seems to me that if that be so, the gentleman might be very willing to withdraw his point of order so far as the remainder is concerned, because it is in the interest of good legislation. I am willing that the Chair should rule on it.

Mr. TAWNEY. I insist on the point of order.

Mr. DALZELL. I withdraw the portion that is subject to the point of order, if the gentleman insists on it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. TAWNEY. The request of the gentleman from Pennsylvania was to withdraw that portion of it which was subject to the point of order.

The CHAIRMAN. But he can only withdraw it as a whole and then reoffer such portion of it as he desires.

Mr. DALZELL. I withdraw it as a whole, and now I offer the first part of it, the part that the Chair has already ruled upon.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment that the Clerk will report.

The Clerk read as follows:

After the amendment just adopted insert the following:

"For the continuation of the analysis and testing of the coal, lignite, and other mineral fuel substances belonging to the United States, in order to determine their fuel value, etc., under the supervision of the Director of the Geological Survey, to be immediately available, \$250,000.

Mr. TAWNEY. Mr. Chairman, I want to say a word in opposition to the amendment. Under the language of this amendment the Geological Survey has not only \$250,000 appropriated for this fiscal year available for the purpose, but \$250,000 carried by this amendment would be likewise available for expenditures this fiscal year.

I want to say that statements were made by the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Nebraska [Mr. NORRIS] a moment ago that the test of building material was not made for the benefit of private interests and that the material tested was all taken from the lands of the United States.

I made the statement that that was not the fact, and the basis of my statement is the fact that last fall a representative of the Geological Survey called me up by telephone in my home city. I went to the hotel to see him, and I learned from him that he had been sent there by the Geological Survey for the purpose of getting limestone rock from a local quarry situated back of the city of Winona to ship to the city of St. Louis to be tested. Now, that land was not owned by the Government of the United States; that land was owned by a private individual when the gentleman made the statement.

When I stated that these tests were made for individuals and that the material was not the material taken from the land owned by the Government, I was stating the truth. The gentlemen challenged the statement, and I wanted simply to make that statement of my own personal knowledge as to what they were doing and what this man had been sent there into my district to do. The purpose was so evident that I could not help noticing it, remembering it very distinctly and the purpose as expressed by the gentleman who represented the Geological Survey. I wanted the House to know that this law is not being observed.

Now, I want to say, in respect to the amendment offered by the gentleman from Pennsylvania, that I am informed by one of the best consulting engineers in the city of St. Louis that samples of coal taken from all of the principal coal deposits of the United States have been tested, and that there is no longer any necessity for the continuation of these coal tests, and this man is one who was employed as the chief engineer of the gas-producing tests until the 1st of December, when he voluntarily separated himself from that service. I am informed by the Representatives on this floor from the city of St. Louis that he is not only one of the most reliable men in the city of St. Louis, but one of the ablest consulting engineers in that city, and he was speaking from personal knowledge. Read the statement of Mr. Holmes here, and you will see that these fuel tests have got down to the point now of testing the relative merits of the equipment for the production of gas and for the consumption of coal.

Now, I maintain that when the Government of the United

States enters upon the domain of determining the relative merits of the equipments intended for the use of consuming coal for the purpose of producing steam or gas or for any other purpose, we are getting outside the domain of the Government, and we are making it possible for the representatives of the Government to crush out the manufacturers of one machine for the purpose of building up manufacturers of another in its place.

Now, what has taken place? Read the testimony of Mr. Holmes in the hearings—I read it very carefully to-day—and you will see that one of the things they are now experimenting with is the kind of grate that shall be used in the consumption of coal for the production of steam; whether the grate should be manufactured so as not to admit of so much coal dropping through and being consumed and burnt up there.

Mr. LITTLEFIELD. And for the purpose of consuming smoke.

Mr. TAWNEY. Yes; for the consumption of smoke.

Mr. DALZELL. Mr. Chairman, the gentleman from Minnesota [Mr. TAWNEY], speaking to my amendment, which has relation to a coal test, goes back again to the subject of tests of structural material for the purpose of showing, as he thinks, the individual as contradistinguished from the national character of that work. I want to call the attention of the committee to some facts. This work was directed by a supervising board, on which was an engineer of the Isthmian Canal Commission, the Supervising Architect of the Treasury Department, an engineer of the Reclamation Service, two representatives from the War Department, and two from the Navy Department, as these Bureaus and Departments are engaged in building and construction work. It was organized in this manner in order to avoid duplication and to increase its value, furnishing immediate information needed in the Government building and construction work, now costing about twenty-five millions a year, and in connection with the Isthmian Canal locks and dams, costing about forty millions.

In addition to that I have here a copy of a letter written by the President of the United States and addressed to John F. Stevens, chief engineer Isthmian Canal Commission, in which the President says:

The United States Government, through the Geological Survey and the Forest Service, is engaged in investigating the properties and best methods of use of the building materials and fuels of the United States. These investigations are so intimately connected with the industries and welfare of the nation that they should be carried forward as rapidly as possible and should have the advantage of the best service and cooperation which it is possible to secure.

The experts in charge of the examination of structural materials under the advice of this board are making an exhaustive investigation of American cements, concrete, and other structural materials; and I am anxious that these investigations should be such as to make them of a special value in connection with the construction work of the Isthmian canal and other Government work.

So much for the testimony as to the national character of this work. With respect to these fuel tests, if the committee will turn to page 572 of the hearings before the Committee on Appropriations of last year, 1906, it will find outlined in those hearings a complete programme for these fuel investigations, and the statement made that the completion of this programme would require several years. After that testimony was submitted to the committee an appropriation was made for \$250,000, and immediately after the passage of the appropriation a new equipment, estimated for, was purchased, the necessary additional experts were employed, and the investigations, necessarily modified in accordance with the wording of the appropriation act, were inaugurated.

Mr. Chairman, I might, if I saw fit to occupy the attention of the committee at any length, point out how this is a great national work that devolves especially upon the United States. The interests of the United States are such that this work can be carried on by no other parties so successfully and efficiently as by the Government. Let me call attention now to one or two reasons assigned. The Government is a large user of coal, and must necessarily use a great variety of fuels in its public buildings in different parts of the country, in its light-houses, in its ships, and it purchased coal to the extent last year of \$3,500,000. The Government is a large owner of fuel. It still owns about 60,000,000 acres of coal, oil, and gas lands. The fuel problem is, in a large sense, a national problem, considered as the basis of heat, light, and power. The fuel problem is one which affects the whole people of the country. Furthermore, it is of immense importance in connection with naval practice. These investigations that are being made, showing the quality of fuel, the variety of it, the capacity of it, and the method of its use, are of very great service, not only to the public in general, not only to the United States as a user of coal and the owner of property, but to the naval service that used last year, as I am told, 200,000 tons of coal. I trust there may be no hesitation

in indorsing this amendment, as the House indorsed it a year ago.

Mr. LITTLEFIELD. I wish to ask one question of the gentleman from Pennsylvania. Is it not a fact that the Supervising Architect's bureau has a laboratory or bureau or division whose duty it is to investigate structural materials? I have been so advised by the Supervising Architect, and it seemed to me that the scope of that bureau is precisely like this in many respects. Is the gentleman familiar with that?

Mr. DALZELL. I am familiar with it, and I would say to the gentleman that the Supervising Architect jointed in a report made upon the subject to the effect that he has no such equipment as is necessary to efficiently make these tests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. What the gentleman from Minnesota said about the character and standing of the St. Louis engineer who wrote the letter about fuel tests is true—

Mr. UNDERWOOD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. The gentleman is not speaking to his amendment to strike out the last word.

The CHAIRMAN. The point of order is sustained.

Mr. BARTHOLDT. I will come to that, Mr. Chairman. Mr. Chairman, I move to strike out \$50,000 from the appropriation.

The CHAIRMAN. There is an amendment pending offered by the gentleman, and that is to strike out the last word.

Mr. BARTHOLDT. I withdraw the amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to withdraw the pro forma amendment.

Mr. UNDERWOOD. Mr. Chairman, I object.

Mr. BARTHOLDT. Mr. Chairman, I think I can proceed in order.

The CHAIRMAN. The gentleman may attempt it. [Laughter.]

Mr. BARTHOLDT. I can show why the last word should be stricken out; why it is necessary that I should be heard in order that the House may see the necessity of striking it out. Upon the receipt of the letter—

Mr. LITTLEFIELD. What is the last word?

Mr. BARTHOLDT. I am coming to it. I will have the last word this time. Mr. Chairman, upon the receipt of that letter I wired to the Engineers' Club at St. Louis, asking their opinion on the value and the continued necessity of these investigations. In answer to my question I received a telegram from the president of that club, which reads as follows:

ST. LOUIS, MO., February 22, 1907.

Hon. RICHARD BARTHOLDT,  
Washington, D. C.:

Engineers' Club of St. Louis heartily indorses work done by Geological Survey fuel-testing plant, and favors continued maintenance of same here or elsewhere. Abandoning work now would be a great mistake.  
E. R. FISH, President.

I shall be guided in my vote on this amendment by the opinion of the St. Louis engineers, who as experts undoubtedly know more about the value of this work than we as laymen do.

Mr. UNDERWOOD. Mr. Chairman, I rise to the point of order.

The CHAIRMAN. The gentleman from Alabama makes the point of order that the gentleman is not speaking to his amendment. The gentleman from Missouri will confine his remarks to the subject-matter of the amendment or to the amendment to which his amendment is an amendment.

Mr. BARTHOLDT. Mr. Chairman, I propose to extend my remarks in the RECORD.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

Mr. TAWNEY. I move to amend by striking out the words "immediately available."

Mr. UNDERWOOD. Mr. Chairman, I object to the unanimous consent of the gentleman from Missouri to withdraw his pro forma amendment.

The CHAIRMAN. The question is on the pro forma amendment offered by the gentleman from Missouri.

The question was taken; and the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move to strike out the language in the amendment making the \$250,000 appropriated immediately available, which is in effect giving them \$500,000 for this fiscal year.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the proposed amendment the words "to be immediately available."

The question was taken; and the Chair announced that the yeas seemed to have it.

On a division (demanded by Mr. TAWNEY) there were—ayes 45, noes 45.

Mr. TAWNEY. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Minnesota, Mr. TAWNEY, and the gentleman from Pennsylvania, Mr. DALZELL, will take their places as tellers.

The committee again divided; and there were—ayes 52, noes 49.

So the amendment was agreed to. [Applause.]

The CHAIRMAN. The question is now on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. TAWNEY. Mr. Chairman, I move now to reduce the appropriation to \$200,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the amendment the word "fifty;" so it will read "\$200,000."

Mr. TAWNEY. Now, Mr. Chairman, I do that upon the statement of the gentleman from Pennsylvania that out of the current appropriation of \$250,000 the Geological Survey has bought very expensive machinery for carrying on these tests. It is therefore manifest that they will not need \$250,000 for the service if the service is continued during the next fiscal year, and again, up until the beginning of the fiscal year they never had in any one year for this service of testing fuel and coal deposits in the States of Pennsylvania, West Virginia, and other States more than \$37,500.

Mr. DALZELL. Mr. Chairman, on the statement of the gentleman from Minnesota I accept the amendment.

The question was taken; and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the words "two hundred" and insert the words "one hundred."

Mr. DALZELL. That is not in order now.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Strike out the word "two" and insert the word "one;" so as to read "one hundred thousand."

Mr. DALZELL. Mr. Chairman, I make the point of order against that amendment that we have already voted upon the subject in question.

Mr. FITZGERALD. Not on the subject of \$100,000.

Mr. DALZELL. Oh, yes; we have.

Mr. TAWNEY. Mr. Chairman, the vote was taken on my amendment. It was not taken on the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The first amendment on which the vote was taken was, as the Chair understands it, to strike out the words "to be immediately available." That was carried, and there was a motion to strike out the words "two hundred and fifty" and make the amount \$200,000, and that was carried. Therefore the amendment of the gentleman from New York [Mr. FITZGERALD] is not in order.

The question is on agreeing to the amendment as amended.

The question was taken; and the amendment as amended was agreed to.

The Clerk read as follows:

For topographical surveys in various portions of the national domain, \$250,000, to be immediately available.

Mr. OLMSTED. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 104, line 12, strike out "national domain" and insert "United States."

Mr. SMITH of Iowa. I make a point of order, Mr. Chairman, against that.

The CHAIRMAN. What is the point of order?

Mr. SMITH of Iowa. The point of order is that this is not authorized in the United States, but in the national domain.

The CHAIRMAN [Mr. SHERMAN]. Following the decision of the occupant of the chair, whose place the present occupant but temporarily occupies, the Chair will overrule the point of order.

Mr. OLMSTED. Mr. Chairman, I desire to be heard on that amendment.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TAWNEY. I understood the Chair to overrule the point of order made by the gentleman from Iowa against the amendment.

The CHAIRMAN. The Chair overruled the point of order



following the rule of the occupant of the chair, whose place he but temporarily took.

Mr. TAWNEY. If the gentleman will pardon me, the ruling of the Chair was just the opposite. The ruling of the gentleman in the chair preceding the gentleman now occupying the chair was just opposite the ruling the Chair has now made.

The CHAIRMAN. The gentleman from Minnesota is in error. The Chair anticipated this point being raised, and before temporarily taking the place of the former occupant of the chair asked him as to his ruling, and the Chair is simply following what would have been the ruling of the regular occupant of the chair had he been here.

Mr. TAWNEY. The amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] was to change the words "national domain" to "United States" in the body of this act?

The CHAIRMAN. It was.

Mr. TAWNEY. So that hereafter the law governing the power and jurisdiction of the Geological Survey is extended to the United States as contradistinguished from the national domain, as heretofore. I would ask the Chair if that is not a change of existing law?

The CHAIRMAN. The Chair understands that the permanent occupant of the chair held this proposition to be in order upon the theory that it was a continuance of the work in progress.

Mr. OLMSTED. It was so held one year ago.

The CHAIRMAN. The permanent occupant of the chair, the gentleman from Indiana [Mr. WATSON], so held last year.

Mr. TAWNEY. Will the Chair kindly have the amendment reported as to where it belongs in this paragraph?

The CHAIRMAN. The Clerk, without objection, will again report the amendment.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, the bill in its present form uses the words "national domain." In my judgment there is not a particle of difference between the meaning of that term, so far as it relates to territory, and the use of the term "United States." I think "United States" and "national domain" mean the same thing. But I have offered my amendment so that there can be no possible doubt of it. I should hardly think there could be any doubt, except that there seems to be a doubt in the mind of the gentleman from Minnesota [Mr. TAWNEY], who holds that "national domain" means only the land actually owned by the Government. Now, I find that the dictionaries define "domain" as meaning—and I find this language in Worcester: "Territory under the jurisdiction of a sovereign; demesne, dominion, empire." Therefore, when we use the term "national domain" it means any portion of the territory over which the United States has dominion as a sovereign, over which it has jurisdiction. "National domain," indeed, is a broader term than the "United States," as it might be held to include the Philippines.

But, in order that there may be no mistake, in order that there may be no such construction put upon it as the gentleman from Iowa thinks might be put upon that language, so as to confine these topographical surveys to land absolutely owned by the Government, I have offered this amendment, changing the words "national domain" to "United States." I have also sent another amendment to the Clerk's desk increasing the amount for topographical surveys.

Mr. TAWNEY. Mr. Chairman, the language covered or used in carrying this appropriation is identically the language used in the organic act creating the Geological Survey; and I assume that we have no authority to appropriate under the first ruling of the prior occupant of the chair—no authority to appropriate money for any purpose other than within the purview and scope of the powers conferred upon the Geological Survey when that Survey was created. That is the reason why that language is used for the topographical surveys in various portions of the national domain. That is the language of the organic act creating the Geological Survey.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. OLMSTED. How does the gentleman construe the term "national domain," and what does he think is the meaning of the words "United States?"

Mr. TAWNEY. I construe it as the former occupant of the chair construed that word at the last session of this Congress, when he made a diametrically opposite ruling from the ruling which he left on the desk of the chair when he retired and the present occupant took the chair.

Mr. SHERLEY. Will the gentleman yield to a question?

Mr. TAWNEY. Just one moment.

That definition was that the national domain and public lands are not convertible terms. That the Chair believes that the national domain has a well-defined meaning and does not mean the United States. The gentleman from Pennsylvania yesterday argued that the term

"national domain" are not all the United States. The Chair is of an entirely different opinion from that.

Mr. SHERLEY. Will the gentleman yield to a question? Have we not been appropriating under the phraseology, using the words "United States" since 1883?

Mr. TAWNEY. We have since 1883 been appropriating in the language that is contained in the organic act creating the Geological Survey.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAWNEY. Division!

The committee divided; and there were—ayes 48, noes 21.

So the amendment was agreed to.

Mr. OLMSTED. I now offer the other amendment.

The Clerk read as follows:

On page 104, line 12, strike out "two hundred and fifty" and insert "four hundred."

Mr. OLMSTED. Mr. Chairman, for two years past we have appropriated \$350,000 for this purpose annually. The committee this year has cut it down to \$250,000. While I have great respect for the chairman and the members of this Appropriation Committee, and great admiration for their work in almost every item of this bill, I feel that as to this particular item just economy requires us to increase rather than diminish the amount. The Director of the Geological Survey in his last report says:

The plans approved for the fiscal years 1906 and 1907 are more than half a million dollars short on work urgently called for.

He says that the demands for these topographical surveys come from the Secretary of War, the Secretary of the Interior, as well as from Members of Congress and from State authorities. There is a great demand for a continuance of this work. There is a demand for double the amount that my amendment calls for.

Now, Mr. Chairman, it has been urged that these appropriations are made for the benefit of private parties—for sewage systems of cities, street railways, and all that sort of thing. Why, these topographical surveys were commenced in the first instance by the War Department. They are absolutely necessary for the operations of the War Department. You can not locate a military camp without a topographical survey or locate the roads or streams or water supply. It is of great advantage and absolutely necessary to military encampments.

Now, it has been stated, and erroneously stated, that these moneys are expended most largely in the Eastern States, in the larger and wealthier States, and particularly in those States which contribute to the expense. I want to call attention to a statement beginning on page 353 of the hearings on this bill, a statement submitted by the Director of the Geological Survey, in which he gives the approximate amount expended in each State and Territory to June 30, 1906, for topographical mapping. I call attention to the fact that there has been two or three times as much expended in the Western States as in the Eastern or larger States.

Four hundred and fifty-one thousand two hundred dollars expended in Arizona, \$28,400 in the Eastern State of Connecticut, \$532,600 in the Western State of California, and \$150,000 in the Middle State of Pennsylvania, which has contributed that much additional to carry on the work. And so I might go through this list. If there be no objection, I will put the list in the Record, and not take time to read it.

Mr. SHACKLEFORD. Will the gentleman compare the areas of the States—for instance, Arizona and Connecticut?

Mr. OLMSTED. I am putting in all the States, whether their areas are great or small. I am denying the statement that this money is expended in the East instead of in the West. I have no objection to its being expended in the West. I am simply correcting that statement that it is expended in larger proportion in the East. This is the whole statement as submitted by the Director of the United States Geological Survey:

*Approximate amounts expended in each State or Territory to June 30, 1906, for topographic mapping.*

It is impossible to give the exact amounts expended in each State for topographic work for the reason that until the last few years no account of the cost of work was kept by States.

In the following table are included allotments from the general appropriation for the Geological Survey used for topographic mapping in the first years after the Survey was established and before topographic mapping was separately appropriated for; appropriations for topographic surveys; for topographic surveys in forest reserves; allotments from the irrigation funds for topographic mapping (1889-90); also proportionate cost of special appropriations for work in the Indian Territory.

Alabama	-----	\$114,300
Arizona	-----	451,200
Arkansas	-----	148,100
California	-----	532,600
Colorado	-----	265,500
Connecticut	-----	28,400

Delaware	\$12,300
District of Columbia	2,500
Florida	13,200
Georgia	121,700
Idaho	113,000
Illinois	50,900
Indian Territory	100,000
Indiana	20,000
Iowa	70,100
Kansas	278,400
Kentucky	96,700
Louisiana	41,600
Maine	37,700
Maryland	48,300
Massachusetts	50,200
Michigan	26,000
Minnesota	25,800
Mississippi	4,000
Missouri	142,000
Montana	334,000
Nebraska	137,900
Nevada	261,900
New Hampshire	52,500
New Jersey	41,000
New Mexico	202,700
New York	260,000
North Carolina	110,000
North Dakota	62,800
Ohio	150,000
Oklahoma	31,300
Oregon	106,800
Pennsylvania	150,000
Rhode Island	13,600
South Carolina	43,500
South Dakota	128,900
Tennessee	153,600
Texas	414,000
Utah	458,000
Vermont	35,000
Virginia	223,100
Washington	182,300
West Virginia	157,300
Wisconsin	78,900
Wyoming	156,800

Mr. COOPER of Pennsylvania. California alone had \$72,000 set aside last year, and the State contributed \$15,000.

Mr. OLMSTED. This is a great work, which this House has so often sustained by its vote as to show that it meets with its approval. More than a million copies of these maps and topographical surveys have been sold by the Government and the money turned into the United States Treasury. There is no work that the Government does the results of which are so much sought after as these topographical surveys, locating every road, public and private, and every stream in the United States. It is a work in progress. Now, Mr. Chairman, I see my time is nearly up—

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I want to state, before the vote is taken, that you are even more liberal to the Geological Survey in taking money out of the Federal Treasury to be expended in the States, to do that which belongs to the States, than the Geological Survey itself demands. The total estimate for this service for the next fiscal year is \$350,000. Now, the gentleman from Pennsylvania, whose State is not yet completely surveyed topographically, proposes to give them \$50,000 more than they are asking for. When the Geological Survey fails to ask for all that it wants, or that it can use, I think it is safe for Members of Congress, even though they have been buttonholed by members of the Geological Survey on other branches of the service, to accept their estimates and not to vote \$50,000 more for this service than the Survey itself estimates it can expend in the next fiscal year. I want to say that there has been no greater exhibition of extravagance in the consideration of the appropriation for this service than that which has been exhibited by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Will the gentleman permit me to ask him a question? I merely want to call his attention to the fact—

The CHAIRMAN. Does the gentleman from Minnesota surrender the floor?

Mr. TAWNEY. I yield to the gentleman.

Mr. OLMSTED. I call the gentleman's attention to the fact that he must be mistaken, because the Director of the Geological Survey, on page 9 of his report, says these demands have been growing with such urgency that it is no longer possible to ignore them, and it is therefore recommended that the appropriation of \$400,000 for such surveys be requested for the fiscal year 1907-8.

Mr. TAWNEY. I have the Book of Estimates here, in which he estimates \$350,000 for this service.

Mr. SHACKLEFORD. There are some more Pennsylvania quadrangles that have not been surveyed.

Mr. GAINES of Tennessee. Mr. Chairman, if the committee will pardon me, I think this committee ought to adjourn for a few minutes, to let us go to lunch. The chairman of this committee [Mr. TAWNEY] has been here since 11 o'clock. He is a

very important factor in this debate. He can not go and get lunch as long as the House sits. He has stayed here in this way for several days, and we hardly have a quorum here. I have been urging the gentlemen to remain, but it is difficult to keep them here.

Mr. TAWNEY. I move to reduce this appropriation to \$300,000, believing that it can be safely reduced to that amount.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Minnesota?

Mr. GAINES of Tennessee. Yes; I yield.

Mr. TAWNEY. I have made the motion to amend the amendment offered by the gentleman from Pennsylvania.

Mr. OLMSTED. If the gentleman from Minnesota will make it \$350,000 I will agree, as far as I am concerned.

Mr. SLAYDEN. I will ask the gentleman from Minnesota if \$300,000 is the amount estimated?

Mr. TAWNEY. It is \$50,000 below the estimate.

Mr. GAINES of Tennessee. Now, Mr. Chairman, if I have the floor—

The CHAIRMAN. The gentleman has not the floor. The gentleman has yielded to the gentleman from Minnesota.

Mr. GAINES of Tennessee. Is the gentleman going to let us take a recess for a short while for dinner?

Mr. TAWNEY. Let us dispose of that amendment.

Mr. GAINES of Tennessee. You said that before. There is hardly a quorum here and everyone is hungry.

Mr. TAWNEY. I will say that up to the fiscal year 1905 [laughter] the amount was never above \$300,000. Let me, for the information of the committee, give you the appropriations for a series of years. In 1899 they had \$199,000. It was then raised to \$200,500; then it was \$240,000; then it dropped to \$200,000. Then in 1895 it was cut to \$150,000; in 1896, \$150,000; in 1897, \$175,000. In 1900 was the first time they got up to \$240,000 again. Then it ran at \$240,000 for three years. Then it was raised to \$300,000, and continued at that figure until the fiscal year 1906, when it was increased to \$350,000 on the floor, which was above the estimates of the Department, as it is now proposed to increase it above the estimates of the Department. I think that \$300,000 is ample for this service.

Now, I yield to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I hope the committee will not go wild over this amendment and vote it in as it is offered by the gentleman from Pennsylvania. I think it ought to be amended as proposed by the gentleman from Minnesota, chairman of the committee, to \$300,000, as that sum ought to be ample for this service. And I say this, Mr. Chairman, in view of the fact that I am informed by a gentleman on the committee that in the fiscal year 1905-6, the year that closed last June, the State of New York got \$8,000 out of this appropriation for the survey of the State of New York, but the State itself expended \$208,000.

In other words, we could use a good deal more in our State—yes, twenty times more—than we get from the United States Government, and still I think my colleagues from the State of New York are inclined to be reasonable about this appropriation; and for one, representing in part the State of New York, I say that we ought not to increase this beyond \$300,000. I do not know as I agree with the gentleman from Minnesota wholly in regard to the deficit coming in 1908, and yet the appropriations are mounting up high, and it is time for us to stop to consider whether we want to make them any higher. Here is a good place to commence and put this at \$300,000, \$50,000 above what was recommended by the committee and within \$50,000 of the amount estimated, and I hope the amendment recommended by the gentleman from Minnesota will be agreed to.

Mr. THOMAS of North Carolina. Mr. Chairman, is it in order to debate the amendment offered by the gentleman from Minnesota?

The CHAIRMAN. It is; and it has been debated.

Mr. THOMAS of North Carolina. Has debate been exhausted?

The CHAIRMAN. It has not.

Mr. THOMAS of North Carolina. Mr. Chairman, I wish to be heard in opposition to the amendment. I am aware that the hour is late, and I shall not detain the committee long. There seem to be constant charges made upon the floor that those interested in the work of the Geological Survey and favoring appropriations therefor are under the influence of the officials of the Geological Survey. I want to repudiate that charge, and I believe in repudiating that charge as to myself I can do so for others.

Mr. Chairman, I am not so familiar with other branches of the work of the Geological Survey, but I regard the work of making topographical maps as of inestimable value to the agri-



cultural interests of the country, and independently of any suggestion from anybody connected with the Geological Survey, I am heartily in favor of the appropriation for topographical maps.

Mr. LITTLEFIELD. Will the gentleman yield?

Mr. THOMAS of North Carolina. I have only five minutes.

Mr. LITTLEFIELD. I have been examining during the last three or four weeks the Department of Agriculture, and there are all kinds of maps being made by that Department for the benefit of agriculture. I had a curiosity to know how these particular maps are going to benefit agriculture.

Mr. THOMAS of North Carolina. The maps made by the Agricultural Department are not topographical maps. I do not know how many maps are made by the Department of Agriculture. I know some of them are very valuable, the soil survey maps especially, showing the agricultural resources and advantages of the country. I am discussing the amendment increasing the appropriation for topographical maps. I believe these maps also to be exceedingly valuable. Three hundred and fifty thousand or \$400,000 distributed by the National Government in cooperation with the States, or without cooperation with the States, is a small amount to distribute to forty-five States. I would like to see the amount made sufficient to do a great deal more topographical surveying. I would like to see \$400,000 appropriated. But I understand the gentleman from Pennsylvania agrees to accept an amendment to his amendment making the amount the same as in the last sundry civil appropriation bill—namely \$350,000.

Mr. OLMSTED. I will consent to that.

Mr. THOMAS of North Carolina. Well, if not four hundred thousand the amount should be at least \$350,000. Now, Mr. Chairman, I have received to-day a letter from a gentleman of the highest character, Mr. Joseph Hyde Pratt, the State geologist of North Carolina. It might be charged that he, too, was under the influence of the Geological Survey. I do not know whether he is or not, but I have confidence in him because he is a gentleman of culture, of scientific attainments, and highly esteemed. He is a professor at the University of North Carolina as well as State geologist. I will quote his letter:

NORTH CAROLINA GEOLOGICAL AND ECONOMIC SURVEY,  
Chapel Hill, N. C., February 21, 1907.

Hon. C. R. THOMAS,

House of Representatives, Washington, D. C.

MY DEAR MR. THOMAS: I have just heard regarding the report of the Committee on Appropriations regarding the appropriation for the United States Geological Survey, and notice that there is a decided reduction in the amount asked for topographic and water-supply work and also for the work of the coal and structural material testing plant, this latter being under the direction of Prof. J. A. Holmes, our former State geologist.

North Carolina is very much interested in the topographic work. As you know, we have dozens of requests in North Carolina for further topographic work. These maps are being appreciated more and more each year and their value is being realized so that all classes of people now desire these maps. With any decided reduction in the appropriation for topographic work, it will mean less work can be done in North Carolina as well as other States and especially any cooperative work which we hope to take up on a larger scale this year. I am already preparing a bill for our State legislature for an appropriation of \$10,000 for cooperative work with the United States Geological Survey in the preparation of topographic maps.

I do not know what chance there is of putting back this appropriation to the original figure, but I wish to call your attention to the fact that we are in North Carolina trying to obtain a good deal more work on our topographic maps and do not want to see our chances diminished for obtaining this work.

With best wishes, I beg to remain,  
Cordially, yours,

JOSEPH HYDE PRATT,  
State Geologist.

Mr. TAWNEY. The gentleman, Mr. Chairman, is not speaking to the amendment. There is no appropriation here for geological maps.

Mr. THOMAS of North Carolina. I said topographical maps and was referring to topographical maps. Topographical maps are referred to in the letter. The gentleman did not catch the meaning of the letter.

It is from North Carolina's State geologist, and refers to topographical maps, the paragraph of the bill now under discussion. Now, Mr. Chairman, continuing my discussion of the bill and this paragraph.

The last sundry civil bill carried an appropriation for topographical surveys of \$350,000, "in various portions of the United States." The committee has, in this bill, reduced the appropriation to \$250,000. This is \$100,000 less than the current appropriation, and \$150,000 less than the estimate of the Director of the Geological Survey.

We are spending millions of money for our national defense and a great Navy, and we also make liberal appropriations for such internal improvements as rivers and harbors. Certainly this is not the time to call a halt in making appropriations for such other internal improvements as the investigation of the agricultural and mineral resources of the whole United States.

The appropriation for the whole work of the Geological Survey has been reduced in the present bill from \$1,463,000 to \$870,000. The appropriations for hydrographic surveys, fuel tests, and for tests of building materials have been omitted entirely, and the appropriations for topographical and geological surveys and maps largely reduced, so as to materially cripple and retard the work, if not destroy it in some instances. There are many reasons why the appropriations should be increased rather than reduced. I am especially interested that there should be no halt in the work of topographical surveys. This part of the work of the Geological Survey benefits all agricultural interests of the country as well as prospective immigrants and home seekers.

It is insisted by some that the States should do this work, but we all understand how impossible it would be for the States so thoroughly and so well to do the work. The reports do not have the same weight, and, furthermore, the work is national in its scope and importance. The States have been doing their part. In the hearings before the committee it will be seen that the States have appropriated altogether up to June 30, 1906, over three-quarters of a million dollars for cooperative work on topographical surveys. The appropriations for geological and topographical surveys are linked together. "A geological survey," says Mr. Walcott, "without a topographical basis is money thrown away, because there is no data upon which to tie the work and no map to show the geology so anyone can locate the results." Both surveys are made to aid in the development of our country—topography to aid in the investigation of agricultural resources, and geology to promote the development of our great mineral resources. This is a strong reason why the work should not be confined to any one portion of the country. It is as important to the eastern section of the country as to the great western part of the United States. Certainly the appropriations as compared with other appropriations are very small, and I trust that the amendment for an increase of the appropriation for topographical maps to \$350,000, instead of \$300,000, will be adopted and this great work of internal improvement permitted to continue.

It is a work that concerns and is of interest to the whole country. The work is national and not local. In the Swiss Republic, the French Republic, in Great Britain and Canada, and in every great country the topographical and geological surveys and maps are national in scope and character. Let us continue the work in the United States. [Applause.]

Mr. TAWNEY. This work is being done in every State of the United States. I feel that this work which is of so great advantage to the people of this country, including my own State, should continue, and I am most heartily in favor of increasing this appropriation to the amount in the last bill. We will not ask the \$400,000, but we do ask for \$350,000.

I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, just a word—

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. OLMSTED. I merely want to say that if this is voted down I propose to make it \$350,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division there were—ayes 44, noes 35.

So the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For geological surveys in the various portions of the national domain, \$150,000, to be immediately available.

Mr. OLMSTED. Mr. Chairman, I offer the two following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 104, line 15, strike out "national domain" and insert "United States."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Page 104, line 15, strike out "one" and insert "two;" so that it will read "\$250,000."

Mr. TAWNEY. Mr. Chairman, if the Chair will yield long enough for me to make a statement, I would like to simply say that this amendment is \$50,000 greater than the estimate.

Mr. OLMSTED. Does the gentleman move to make it any lower?

Mr. TAWNEY. I move to make it \$200,000.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "and fifty thousand;" so that it will read "two hundred thousand."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and on a division (demanded by Mr. SMITH of Iowa) there were—ayes 43, noes 28.

So the amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I make the point that there is no quorum present.

Mr. TAWNEY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TAWNEY. I rise to make a statement to the committee. A great many of the Members that are here now have been here all day—

The CHAIRMAN. Will the gentleman from Tennessee withhold his point of no quorum for a moment?

Mr. GAINES of Tennessee. I will.

Mr. TAWNEY. I was going to suggest that we take a recess until half past 8 o'clock, or that the committee rise and go into the House and then take a recess until that time.

Mr. GAINES of Tennessee. Then I will withdraw the point of no quorum.

The CHAIRMAN. Does the gentleman from Minnesota move that the committee do now rise?

Mr. TAWNEY. No.

Mr. GAINES of Tennessee. Then I insist on my point of no quorum.

The CHAIRMAN. The Chair will count.

Mr. TAWNEY. Mr. Chairman, I will state that it is the opinion of Members that we will not have a quorum of the House and therefore can not go back into the Committee of the Whole if the point of no quorum was made should we take a recess now, as I suggested a moment ago. That would put the further consideration of the bill over until next Monday. It is absolutely essential—it is necessary—that this bill go to the Senate by Monday morning.

Mr. PAYNE. I hope my friend from Tennessee will not interpose any objection to that. Let us go on and pass this bill to-night.

Mr. GAINES of Tennessee. It is extraordinary for this tremendous bill to be passed here with a handful of Members present.

Mr. PAYNE. I want to say to the gentleman that the other night we had a night session and about half an hour later than it is now the Members came in; and I want to say to him further that under the rules 100 constitute a quorum in Committee of the Whole, and there are certainly 100 Members present now.

The CHAIRMAN. The Chair has just counted. There are 104 Members present—a quorum. The Clerk will read.

The Clerk read as follows:

For engraving and printing the geological maps, \$75,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 15, page 105, insert: "For examination of the water resources and products of the national domain, \$200,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order that that is not authorized by law, and the same question has been ruled on three times this afternoon.

Mr. MONDELL. Mr. Chairman, I wish to be heard just a moment on the point of order. I desire to call the attention of the Chair to the fact that the former occupant of the chair in passing upon the amendment which I offered, in which it was proposed to insert the words "including water," after the words "mineral resources," in line 1, page 104 of the bill, made this statement: "Now, it occurs to the Chair that that word 'water' is included in the words 'mineral resources.'" And my amendment proposing to include the word "water" was held to be superfluous. Now, Mr. Chairman, if the word "water" is included, as stated by the former occupant of the chair, in the words "mineral resources," then it is competent for this committee to segregate the mineral resources and to provide by a specific appropriation for an examination of one particular mineral resource, and that is what my amendment proposes to do. I segregate "water" from the other mineral resources and provide for its examination.

Mr. LITTLEFIELD. Just as silver, lead, or any other mineral.

Mr. MONDELL. As we might segregate silver or lead or iron or any other mineral, and we now provide for an examination of that particular mineral, which is included, according to the statement of the former occupant of the chair, in the term "mineral resources."

Mr. SHACKLEFORD. Mr. Chairman, I make the point of order that this raises a question which has been three times ruled on to-day.

Mr. ELLIS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELLIS. I understand this is an amendment to follow the paragraph just read, and I was trying to get recognition of the Chair so as to offer an amendment to that paragraph.

The CHAIRMAN. The Chair will recognize the gentleman when this matter has been disposed of.

Mr. MANN. This is a separate paragraph, Mr. Chairman.

The CHAIRMAN. Does the Chair understand the gentleman desires to offer an amendment relating to the subject-matter in the preceding paragraph?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. Then the Chairman will recognize the gentleman for that purpose. The amendment offered by the gentleman from Wyoming is not an amendment to this paragraph, but a new paragraph.

Mr. TAWNEY. I understood we had passed the paragraph and read another paragraph from the one the gentleman from Missouri wants to amend, line 6, page 105.

The CHAIRMAN. Oh, no. The Chair saw the gentleman from Missouri on his feet, but the Chair recognized the gentleman from Wyoming, and now the Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page 105, lines 10 and 11, strike out "\$75,000" and insert "\$100,000."

Mr. TAWNEY. Mr. Chairman, I will say I have no objection to that amendment. The theory of the committee was that in view of the fact we were reducing the topographical work of the Geological Survey that they would not need more than \$80,000, or within \$20,000 of the estimate. The members of the subcommittee were informed this morning that there is two years' work accumulated and that they will need the entire force for at least two years to bring the work current; therefore I accept the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The proposition offered by the gentleman from Wyoming the Chair understands to be substantially the same as the regular occupant of the chair has two or three times ruled upon and each time has sustained the point of order. So the present occupant of the chair, following the rule of the permanent occupant of the chair, sustains the point of order.

Mr. BARTHOLDT. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 105, at the end of line 11, add the following:

"Provided, That the moneys received by the Director from the sales of topographic and other maps printed by the Geological Survey shall be deposited in the Treasury of the United States to the credit of the appropriation for engraving and printing the geological maps of the United States."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, \$100,000, to be immediately available.

Mr. ENGLEBRIGHT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add after line 14, page 105, a new paragraph, as follows:

"For investigations of the mineral resources of the national domain, in addition to the amount herein appropriated, \$250,000.  
"Provided, That not to exceed \$150,000 of this amount shall be expended in the investigation of water resources."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. ENGLEBRIGHT. Mr. Chairman, I then offer the first half of the amendment before the word "Provided."

The CHAIRMAN. The Clerk will report the amendment.



The Clerk read as follows:

Add after line 14, page 105, a new paragraph, as follows:  
 "For investigations of the mineral resources of the national domain, in addition to the amount herein appropriated, \$250,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order on that. The committee has already passed on the subject-matter of this amendment and fixed the amount for this service. It can not be amended. The amendment comes too late.

The CHAIRMAN. The Chair thinks that the gentleman from Minnesota is right. The committee has passed to another section of the bill. The Chair sustains the point of order.

The Clerk read as follows:

In all, for the United States Geological Survey, \$870,020.

Mr. NEEDHAM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," line 25, page 105, add:

"Provided, That not to exceed \$200,000 thereof may be expended in the examination of the water resources of the United States."

Mr. TAWNEY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. NEEDHAM. That is simply a limitation upon the whole appropriation. It is in order.

The CHAIRMAN. As presented it was more than a limitation, and the point of order is sustained.

Is there objection to the Clerk making the necessary change in totals made necessary by the amendment adopted? [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. TAWNEY. Mr. Chairman, I offer an amendment here for the purpose of correcting an error in the printing of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Transpose the matter following the word "hundred," in line 7, and all of lines 8 and 9 on page 41, to come in at the end of line 24 on that page.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Clerk will now resume the reading of the bill on page 144.

The Clerk read as follows:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$2,000; general treasurer, who shall not be a member of the Board of Managers, \$4,000; inspector-general and chief surgeon, \$3,500; assistant general treasurer and assistant inspector-general, \$2,500; two assistant inspectors-general, at \$2,500 each; clerical services for the offices of the president, general treasurer, and inspector-general and chief surgeon, \$15,500; messenger service for president's office, \$144; clerical services for managers, \$4,500; agents, \$1,400, of which sum not more than \$200 shall be paid to the agent at Washington, D. C.; for traveling expenses of the Board of Managers, their officers and employees, \$16,000; for outdoor relief, \$1,000; for rent, legal services, medical examinations, stationery, telegrams, and other incidental expenses, \$7,000; in all, \$66,544.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if he will not accept an amendment on page 157, in line 19, changing that item from \$1,400 to \$1,700, of which sum not more than \$500 shall be paid to the agent at Washington. It is an increase of \$300. He used to be paid \$800.

Mr. TAWNEY. Mr. Chairman, I must say that I can not consent to it. The matter was thoroughly considered a year ago when the Board of Managers of the Soldiers' Home was before the committee, and the reduction was made by the committee at that time.

Mr. OLMSTED. Mr. Chairman, I will not press it if the gentleman is unwilling to accept it.

The Clerk read as follows:

In all, \$4,476,544.

Mr. BOWERSOCK. I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 158, line 4, after the word "dollars," change the period to a semicolon and add the following:

"And provided further, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen where intoxicating liquors are sold."

Mr. BARTHOLDT. Mr. Chairman, I make the point of order that that is new legislation. I am aware of the decision of the Chair last year.

Mr. STAFFORD. This amendment is different in its phraseology, Mr. Chairman.

Mr. TAWNEY. Will the Chair kindly have the amendment reported again.

The amendment was again reported.

Mr. CRUMPACKER. Just a word or two upon the point of order. That proviso, if the Chair will give his attention, is in identically the same form as the proviso attached to the appropriation for State Soldiers' Homes in the following paragraph. It is copied from it. It reads:

*Provided further,* That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

It is clearly a limitation. When that proviso was put on the appropriations for State and Territorial Homes, three or four years ago, the point of order was made against it, just as it was a moment ago. I think probably the gentleman from Missouri made the point of order at that time. It is as clearly a limitation as it is possible for a proviso to be. It is contained in the paragraph following that is carried from year to year, and it would be subject to the same point of order if it were not a limitation.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard?

Mr. STAFFORD. Mr. Chairman, I have nothing to add to what I advanced last year. I do not know whether the Chair has seen any additional light; but it does not seem to me that this is a limitation, because the limitation does not say that no part of this appropriation shall be used for the purpose of a canteen, but it limits by legislation the conditions that must exist in the Homes before the appropriation will be available. Carried to the logical extreme if a proviso was added that no appropriation should be available in places where the Soldiers' Homes are surrounded by saloons or located within a mile thereof or in a city having saloons, the amendment would have to be sustained along the same line, if the pending amendment is in order.

Mr. JAMES. Will the gentleman allow me to ask him a question?

Mr. STAFFORD. Certainly.

Mr. JAMES. The point of order was made last year as to the proviso that no part of this appropriation shall be apportioned to any National Soldiers' Home that maintains a bar or canteen where intoxicating liquors are sold. The point of order was made on that by yourself, and the point of order was overruled.

Mr. STAFFORD. I have just said in my opening statement that I was aware of the decision of the Chair last year in sustaining the point of order, and had nothing further to advance from what I advanced at that time.

Mr. JAMES. What is the difference between the amendment now offered by the gentleman from Kansas [Mr. BOWERSOCK] and the one to which the gentleman made the point of order which was overruled? Are they not identical in real meaning?

Mr. STAFFORD. There is a difference in the phraseology. The phraseology is copied and is identical with the phrase that is appended to the appropriation for State and Territorial Homes. That is an appropriation for Homes over which the National Government has no direct control, and so a limitation as to the conditions under which appropriations are to be available does not infringe any regulation over which it is in the power of Congress to legislate, but as to the National Homes, Congress has power to legislate direct, and this proviso is legislative under the rule forbidding legislation on appropriation bills. I respectfully submit that there is a distinction between the two cases, and this amendment infringes the rule.

Mr. MANN. Mr. Chairman, I can very readily see the difference between the point of order on the amendment sustained by the Chair last year and the amendment on which the point of order is offered now, not as to the phraseology of the amendment, but as to the proposition which is proposed to be amended. The proposition to which the amendment was offered last year was in regard to the payment of a gratuity to various State and Territorial Homes. It is perfectly manifest that the ruling of the Chair last year on that proposition was correct, because, without interfering in any way with the established law, Congress can give or refuse to give to a State or Territorial Home a gratuity which was proposed to be given under certain conditions; but here is a situation now proposed where Congress by law is creating Soldiers' Homes. It has by law provided for the government of Soldiers' Homes. At Soldiers' Homes it has vested the government in a Board of Managers in accordance with the provisions of the statute. It is true that Congress can refuse to appropriate, but, Mr. Chairman, it is also true that the Chair has frequently ruled that Congress can not, against a point of order, by a limitation change the organic law. Here is a provision that although Congress has created these Soldiers' Homes by an organic law, although it has provided for the government of the Soldiers' Homes by a Board of Managers, a proposition through the form of a limitation to take away the

control of the Board of Managers and by affirmative legislation in the guise of a limitation to change the statute upon that subject. While limitations are usually favored by the Chair, properly, still it is true that the Chair might well rule, it seems to me, that a limitation in this guise, changing the law, giving the Board of Managers the discretion over the management of the Homes, is positive affirmative legislation, as it undoubtedly would be construed by the Comptroller of the Treasury, and therefore subject to a point of order. It is perfectly manifest that an item of this kind in the bill is construed by the Comptroller of the Treasury as positive legislation, although it be in the form of a limitation.

Mr. GARDNER of Michigan. Mr. Chairman, the Board of Managers having control of these Homes are creatures of the Congress. Shall the creatures be greater than their creator? It resolves itself into that.

Mr. TAWNEY. Will my colleague on the committee submit to an interruption?

Mr. GARDNER of Michigan. Surely.

Mr. TAWNEY. The law creating the Board of Managers specifically provides that the control of the Homes shall be under such regulations as the Board of Managers shall provide.

Now, the point made by the gentleman from Illinois is that when Congress assumes to make a regulation for the Home, it is to that extent changing the existing law which places the complete control of the Home under a Board of Managers.

Mr. GARDNER of Michigan. Then I repeat myself. We clothe our creatures with greater power than we ourselves are able to exercise.

Mr. TAWNEY. Oh, you can do this, but you can not do it on an appropriation bill that changes existing law.

Mr. McCALL. Is it not true that the law is the creature of Congress, and on that theory it would be entirely proper to change any law on an appropriation bill?

Mr. LITTLEFIELD. The gentleman from Michigan has not stated his full proposition. He has been twice butted into before he succeeded in stating it.

Mr. McCALL. The gentleman from Michigan permitted me to ask a question.

Mr. GARDNER of Michigan. Certainly.

Mr. McCALL. I am not anticipating anything that the gentleman may say. The gentleman stated a proposition very clearly, and I simply addressed myself to what he had said rather than to what he might say.

Mr. GARDNER of Michigan. If the board of directors shall formulate any rules or regulations contrary to what the Congress believes ought to exist in a Home, the Congress ought to have the right to change those rules in the interest of good government. Otherwise, supposing they should formulate a rule that a man should eat but once a day, or that instead of drinking beer he should drink liquor, or some other specific thing, as a regulation. Ought we to be compelled to stand by those regulations, whatever they might be?

Mr. BARTHOLDT. If the gentleman will permit me, there is no question at all that Congress has the right to legislate—to make rules and regulations for the Homes; but the question is whether it can be done here on an appropriation bill in the way of new legislation.

Mr. GARDNER of Michigan. We authorize them with regard to the State Homes, and make it a condition precedent to receiving any appropriation for the maintenance of men in those Homes that liquor shall not be sold in the Home.

Mr. STAFFORD. Will the gentleman permit me, right there?

Mr. GARDNER of Michigan. Yes.

Mr. STAFFORD. We have no authority whatever over the jurisdiction of those respective Homes, but we can consistently place a limitation on the appropriation made for these State and Territorial Homes, and so far as National Homes for disabled soldiers are concerned, the authority is vested in a board which has the authority of law, and we are attempting to overcome that authority.

Mr. GARDNER of Michigan. And the Board is a creature of Congress, and therefore, under the gentleman's argument, is greater than the Congress itself.

Mr. STAFFORD. Oh, no. Congress has that authority, but not upon an appropriation bill.

Mr. JAMES. I should like to call the attention of the gentleman from Michigan to the decision of the Chair on this question during the last session. The Chair overruled the point of order. In ruling upon it he called attention to a ruling made by Mr. PAYNE, of New York, upon an amendment offered by Mr. CHARLES B. LANDIS, of Indiana, as follows:

*Provided*, That no part of this appropriation shall be available for the agricultural college of any State or Territory until the Secretary of

Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, or employee of such college is engaged in the practice of polygamy or polygamous relations.

After much discussion on this amendment the Chairman [Mr. PAYNE, of New York] held that it was a limitation of appropriation which the House had a right to make, or Congress had the right to make, and was not new legislation. Now, what difference is there between a limitation with regard to polygamy in Utah, upon an appropriation made by the United States for an agricultural college, and an appropriation made to maintain a Soldiers' Home, where the limitation is that spirituous, vinous, or malt liquors shall not be sold there?

Mr. GARDNER of Michigan. It seems to me they are in harmony.

Mr. JAMES. Absolutely.

Mr. GARDNER of Michigan. If the Government can do it in one case, it can do it in the other. The principle is the same.

Mr. JAMES. Mr. WATSON, of Indiana, who now occupies the chair, was also Chairman last session when a like amendment was offered as is now offered by Mr. BOWERSOCK, of Kansas; and a like point of order was by the Chairman overruled and the amendment held germane, and therefore in order, and he quoted approvingly the decision of Mr. PAYNE, which I have referred to.

Mr. MANN. Does Congress provide by law for the government of any of the agricultural colleges?

Mr. GARDNER of Michigan. It determines the conditions under which they shall receive aid from the Government.

Mr. MANN. Undoubtedly it has the right to determine those conditions; but they can receive the money or leave it, as they please. But here is a provision that takes away from the Board of Managers a discretion which under the law they now have, and to that extent it is positive legislation.

Mr. GARDNER of Michigan. I will leave it to the Chair.

The CHAIRMAN. The Chair is ready to rule on the proposition. The language used in the amendment offered by the gentleman from Kansas is as follows:

*And provided further*, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen wherein intoxicating liquors are sold.

This very proposition was presented in regard to the State Soldiers' Homes in 1904, and the Chair at that time overruled the point of order and held it in order as a limitation. If the Chair were only following the precedent he would be constrained to overrule the point of order in this case. One year ago this whole question, as most of the Members will remember, was taken up and discussed thoroughly and elaborately, and at that time the gentleman from Kansas offered this proviso:

That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

In legislation we look to the substance, and not to the form, and unless there is an affirmative attempt to restrict the administrative power or departmental function, it has always been held that a limitation in negative language is in order.

The present occupant of the chair went fully into the authorities and quoted a large number of decisions by Mr. HEMENWAY, of Indiana; Mr. BURTON, of Ohio; Mr. PAYNE, of New York, and other eminent parliamentarians who had occupied this chair when questions of similar import had been raised, all sustaining the theory that limitations of this character are clearly in order.

The Chair does not care to go fully into this line of decisions again, because the Chair believes that the ruling at that time was acquiesced in and believed to be the proper ruling under the circumstances. Therefore the Chair overrules the point of order.

Mr. SULLIVAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

*Provided further*, That no part of this appropriation shall be apportioned to any Home any inmate of which is found in attendance during the next fiscal year upon any race-horse meeting or is discovered in any pool room where gambling is carried on or in any place where malt or spirituous liquors or tobacco is sold.

Mr. SULLIVAN. Mr. Chairman, the amendment offered by the gentleman from Kansas is intended to make the National Government a keeper of each individual soldier at these Homes. I simply offer my amendment in order to perfect the enterprise and make the Government the keeper of the old soldier's morals, so that he shall not be tempted by liquor, tobacco, gambling, or horse racing. I trust that the gentlemen who will support the amendment of the gentleman from Kansas will also, in their desire to protect the old soldier, support the amendment which I have offered.



The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Massachusetts.

Mr. SIMS. Is it too late to make a point of order?

The CHAIRMAN. It is too late because debate has occurred. The question is on the amendment to the amendment.

The question was taken, and on a division (demanded by Mr. SULLIVAN) there were—ayes 13, noes 66.

So the amendment to the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kansas.

Mr. TAWNEY. Mr. Chairman, this amendment doubtless will be supported by some gentlemen upon the theory that it is in the interest of temperance, and that it is for the purpose of protecting those who live in the National Soldiers' Homes. Mr. Chairman, it is entirely erroneous for any man to vote for this proposition upon the theory that it is in the interest of temperance or for the protection or benefit of the old soldier.

A year ago we adopted a similar amendment, limiting the appropriations for the present fiscal year, which limitation takes effect on the 4th of March of this year, or a week from next Monday. As a result of our action, and in anticipation of that limitation going into effect at the Home in the State of the gentleman who offers this amendment, people are making preparations for the sale of liquor, are making preparations for the maintenance of brothels, in which they hope and expect that when the beer hall in the Home at Leavenworth is closed these old soldiers will be found spending their pension money and otherwise indulging in vice and luxury. At the Home in Milwaukee, in anticipation of this law going into effect a week from next Monday, twenty saloons have been built and are ready to go into operation one week from next Monday for the purpose of getting the pension money from the old soldier, which is now going to maintain him in the Home and helping to maintain those of his family that are not there.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman if there is any Home in any State where the State legislature is wiping out these saloons, as they are in Tennessee?

Mr. TAWNEY. There is none, and they have not done it in Tennessee.

Mr. GAINES of Tennessee. Yes we have, in nearly every town and county in the State.

Mr. TAWNEY. The testimony of the governor of the gentleman's own State denies that statement, and the "bootleggers" of Tennessee are, in violation of that State law, selling concoctions to the inmates of the Mountain Home, and some of those inmates have lost their lives, as I am informed by the gentleman from Tennessee, in consequence of the poison it contained.

Mr. GAINES of Tennessee. Not by selling whisky.

Mr. TAWNEY. No; injected into neat cider, poisoned with what is known as "wood alcohol."

Mr. GAINES of Tennessee. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. I must decline to yield further. Here is a document which I hold in my hand, entitled "Canteen in Soldiers' Homes," being a supplement to the hearings before the subcommittee of the House Committee on Appropriations in charge of the sundry civil appropriation bill for 1908, which document contains the recommendation of the Board of Managers, and who compose the Board of Managers? The comrades of these old soldiers who are living in these Homes. These Homes, gentlemen, are not asylums for the purpose of reforming these men. The average age of the old soldier in the Home is 67 years. They go into the Home in many cases because of habits that they have contracted in the Army or since they have come out of the Army. You can not reform them. The consequence is that when you deprive them of the opportunity to get a drink of beer in the Home you drive them out into the saloons and the brothels that are kept and maintained on the money of the old soldiers in the Homes.

This document contains the letters of temperance people, of the best class of citizens in every community in the communities in which every one of these homes are now located. I have marked a number of them. Here is one on page 122, written by Mr. Jesse L. Pritchard, and dated from the Western Branch, National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans., January 22, 1907. Here is another one, written by Mr. Benjamin F. Endres, written from Leavenworth, a prominent business man in that city, wholly disconnected from the Home, who says:

It is a well-known fact among those living near the Soldiers' Home that the sale of beer to inmates is done under close restriction, and to my knowledge I have never known of an old veteran to become intoxicated on beer sold at the canteen, for the very good reason that he is entitled to but a small quantity as a beverage each day.

The influence of such a privilege on the old veteran is a very good

one; it induces them to remain upon the premises and causes them to remain away from various dives, where they not only buy an inferior quality of beer, but there are many cases on record where the old veteran has been lured into these dives and drugged and robbed.

I in my official capacity have observed that since it has been rumored that the canteen at the Home will cease to exist that a low element of outside people have attempted to come to Leavenworth to open low dives, for no other purpose than to prey upon the old veterans from the Home.

Here is a gentleman speaking from his personal knowledge of the conditions in the Home at Leavenworth, in the State of Kansas. I have here a letter from the archbishop of the Catholic Church at Milwaukee, strongly urging the continuance of the beer hall in the interest of temperance and for the protection of the old soldier, and I have here a letter printed in this document from a minister at Dayton, Ohio, who speaks from personal knowledge and describes the conditions that obtained before they had a beer hall in the Home and the condition since then. Every chaplain in every Home except one protests against the abolition of the canteen. Every officer in every Home, every surgeon in every home, and in addition to these officers, the best element of the people—temperance, law-abiding element of the people—in every community are protesting against the abolition of the canteen, and they do it in the interest of temperance and in the interest of the old soldier.

Mr. GRONNA. Mr. Chairman, coming from the only State where prohibition is really strictly enforced, I desire to ask the gentleman from Minnesota if he has any letters from the temperance people of my State about the canteen?

Mr. TAWNEY. No; I will say to the gentleman from North Dakota that these communications come from people who live in the vicinity of the Home; people who have had occasion to observe the conditions before the beer hall was established and since the beer hall was established, and their testimony counts infinitely more than does the testimony of the mistaken advocates of temperance who are trying to abolish the old soldiers' beer hall in the Home. [Applause.]

Mr. GRONNA. That is, the testimony from the States where they have the saloon?

Mr. TAWNEY. Yes; and in the gentleman's State there are 300 more saloon licenses issued, according to the population of his State, than there are in the State of South Dakota, where there is no prohibition.

Mr. GRONNA. But we have not a single open saloon in our State.

Mr. TAWNEY. They are "blind pigs." Now I want to read a letter, Mr. Chairman, from the governor of the Danville Home, which is located in the city in which the Speaker of this House lives.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. May I have five minutes more?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. He says:

DANVILLE BRANCH, NATIONAL HOME FOR  
DISABLED VOLUNTEER SOLDIERS,  
National Home, Danville, Ill., January 14, 1907.

SIR: I take the liberty of writing you in regard to the canteen in the Soldiers' Home. In the beginning it may not be amiss to state that I am a member of the Methodist Church, and came to this Branch of the National Home with a strong prejudice against a canteen. I could not bear the idea of being in any way connected with such an institution. But the logic of facts has forced me away from my original position, and years of experience have but strengthened the convictions which these facts forced upon me. I know it is a trite saying that the soldiers in the Home are old and their habits of life are formed; nevertheless it is true, and the duty—for it is no less than a duty—of those who are in charge of these Homes is to see that the evil results of wrong habits, when they exist, may be reduced to the minimum, and those who would take this power away from the Home management are doing an incalculable harm, though actuated by the best of motives.

There are numerous members of the Home who will be satisfied with a glass of beer at the Home, who, if deprived of this privilege, would go into the adjacent city or towns and there get no one knows what to drink, and then probably be beaten and thrown into the streets to live or die as the case might be. It is bad enough as it is. My experience both with and without the canteen shows that it is much worse without it. In so far as the men can be saved from the dens and dives in the city, in that far the cause of temperance, sobriety, and discipline is subserved.

I earnestly beg, sir, that the Home management may be permitted to control this question in the interest of sobriety and decency, and this can be done to a very considerable extent at least by allowing the men a place inside the Home grounds where they can assemble, drink their beer, smoke, and talk, and yet be under strict scrutiny. I make no reference to the money question. I base my appeal upon the grounds of sobriety, morality, good order, temperance, and decency.

Respectfully, yours,

I. CLEMENTS, Governor.

Hon. J. A. TAWNEY,

Chairman of the Appropriations Committee,  
House of Representatives, Washington, D. C.

That letter is signed by I. Clements, governor of the Home. [Applause.] Now, Mr. Chairman, there is one other letter

which I want to read if I can turn to it. It is from the sheriff of the county of Milwaukee, William R. Knell. I will read only that part which gives a description of the roadways, and mark you, gentlemen, the Home at Milwaukee is situated outside of the corporate limits of the city, and the police have no control over the sale of liquors in the city of the Home at Milwaukee. That, perhaps, is the reason that to-day there are standing twenty saloons at the door of that Home that were not there a year ago, before this limitation prohibiting the sale of liquor to the Home was enacted in this Congress.

Mr. SIMS. What Home is that?

Mr. TAWNEY. The Northwestern Home at Milwaukee.

Mr. SIMS. Twenty saloons?

Mr. TAWNEY. Twenty saloons have been erected in anticipation of this bill going into effect.

Mr. SIMS. To be patronized by the soldiers there?

Mr. BUTLER of Pennsylvania. Is it necessary for these saloon keepers to apply for permission to sell liquor?

Mr. TAWNEY. Where?

Mr. BUTLER of Pennsylvania. At Milwaukee.

Mr. TAWNEY. No, sir; I said before that they are outside of the city of Milwaukee. They would get their licenses under county license. The Government of the United States has no control over that.

Mr. BUTLER of Pennsylvania. I understand; but the authority is in somebody certainly to grant them permission to sell liquor.

Mr. TAWNEY. Here is what the sheriff says:

The past four years I have been connected with the sheriff's office, and have had charge of the outdoor work during the last two years. During that period of time we have had numberless calls to the vicinity of the Home, and I assure you that some of the sights witnessed there can not be described.

The old soldiers, as a rule, are no worse with regard to the drink habit than the average run of men; but the methods employed and the alluring temptations thrown out to the old gray-haired heroes is what aggravates the situation and does the mischief. All efforts should be made to devise means to keep them on the grounds of the Home, not to drive them out.

I firmly believe that the morals and behavior of a large percentage of the population of the Home could be immeasurably improved if the service at the canteen were to include the dispensing of beer and even good liquor. Good liquor, if dispensed to the veterans in reasonable quantities, will not injure them nor set them crazy drunk; it is the vile concoctions, commonly called "rye," "brandy," etc., which robs these old men of all sense, reason, and judgment.

Much of the drinking indulged in is, in my opinion, merely a repetition of the old, old story of the forbidden fruit. If stronger drink than is now sold at the canteen should be had there, many would never think of indulging at all; others would use it very moderately, and the absolute craving for it would be reduced to a minimum. Fully one-half of those now going outside would never think of leaving the grounds at all. The mere thought of not being able to satisfy the appetite for a good drink is what first starts the craving.

Once in one of the many drink shops surrounding the Home the men seek to make the best of the opportunity, and the result is well known.

It is not what a man drinks of his own desire which does the damage; it is the excess brought on by environment, association, and the despicable methods resorted to to encourage lewdness and debauchery. I say, by all means retain the canteen, and, if possible, widen its scope.

Very truly, yours,

WM. R. KNELL,  
Sheriff of Milwaukee County.

Hon. J. M. HOLLEY, Esq.,

Manager National Home for Disabled  
Volunteer Soldiers, La Crosse, Wis.

Mr. SIMS. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. I would like to ask the gentleman why will not the soldiers drink mild drinks at saloons as well as inside the Home? Why will not the saloons keep mild drinks as well as alcohol and such—

Mr. TAWNEY. Oh, that question answers itself.

Mr. GOULDEN. Mr. Chairman, in opposition to this amendment I desire to briefly say that as a trustee for more than five years of the New York State Home at Bath, with more than 2,000 inmates, my experience has been of a practical character. Our experience with and without the canteen should be accepted by the members of the committee as of greater value than that of the theorists and faddists who oppose the sale of beer and ale in these Homes, for nothing else is ever sold. There are nine national and thirty State Homes, in twenty-seven different States, with a population of 46,000.

The average age of the inmates is 67, and 50 per cent, in round figures, are in the hospital. They are growing old fast and soon will join their comrades on the other shore, answering the last summons of the Great Commander. Why deprive them of the opportunity of meeting together socially in the canteen hall, enjoying a glass of good, wholesome beer or ale—for nothing else was sold in the Bath Home—a pipe or cigars? For the information of the Members of the House I shall read the rules and regulations that obtain in these Homes that are carried out to the letter. [Applause.] Regulations that govern this matter

are very clearly stated in a supplement to the hearings from which the chairman of the Committee on Appropriations has been quoting, or rather I should have said from the report of the Board of Managers of the National Home for Disabled Volunteers. It is found on pages 10 and 11. These are the regulations which govern the sale of malt liquors in the various Soldiers' Homes:

When beer is sold at a Branch under post-fund management the utmost care must be exercised to prevent any member from drinking to excess. The place of sale will be under the direct charge of a discreet noncommissioned officer, assisted by a sufficient number of suitable members selected from the guard force. They will be present at all times when the place is open for sales, and will have power to make arrests or expel from the place any persons showing evidences of intoxication or a disposition to create disorder.

In the management and conduct of the beer hall or building used for such purposes, the following rules will be strictly observed and enforced:

1. Temperance is to be taught and encouraged at all times.
2. No member visibly under the influence of intoxicants shall be admitted to the hall.
3. The hall shall not be opened before breakfast. It shall be closed between 12 and 1 o'clock, noon, and closed for the day one-half hour before supper.
4. But one ticket shall be sold to any member at any one time.
5. Governors of Branches may limit the amount of beer to be sold to any member and may make special arrangements for members employed in the shops.

The conditions of admission to the Home are such that all of the members must be disabled and without means of support. To enjoy its benefits they must separate themselves from their families and kindred; 96 per cent of the total membership fought in the civil war; their average age is nearly 67 years, and many of them are the victims of misfortune. They are thrown together as comparative strangers at an age when new friendships are not readily formed, and their tendency is to brood over their life failures. Unless they are afforded some diversions they swell the hospital rolls and the death rate. The social influences of the beer hall and the diversions and entertainments incident to its operation have contributed in no small degree to the health and contentment of the members of the Home.

In July last the governors of all the Branches were required to report in relation to the operation of the beer hall at their respective Branch Homes, as to its effect upon discipline and the sobriety of the members, and to furnish statistics from the records bearing upon the subject. These reports without exception furnish positive evidence as to the value of the beer hall in the promotion of temperance, sobriety, and moral conduct. The chaplains of all the Branch Homes were also requested to report on the same subject. Of the eighteen chaplains, all but two report strongly in favor of the beer hall as an influence for good in the life of the disabled soldiers. The reports of the governors and chaplains referred to accompany this report.

The members of this Board have given diligent and faithful consideration to the subject of the sale of beer to members of the Home; their knowledge of the needs of the disabled soldiers whose welfare is intrusted to them is based upon actual contact with the conditions which prevail; their opinions on the subject are the result of careful investigation, and it is the unanimous opinion of the Board that the discontinuance of the sale of beer will be a distinct detriment to the moral and physical interests of the members of the Home, tending, as it surely does, to drive the members into the low saloons and dives of the vilest character, which, unfortunately, are found adjacent to nearly all these Homes.

At Bath there are some fifteen of these places, a few conducted respectably and the rest of the worst character, selling adulterated and poisonous compounds that are positively injurious to the health of those who drink the stuff.

In the canteen only the best malt liquors are sold, and only in moderate quantities, to the inmates.

I may say that the reports of all the governors of these Homes are in favor of the canteen. The chaplains, with but two exceptions, favor it. The board of trustees, of which I have the honor to be a member, composed of nine citizens of the State of New York appointed by the governor, passed this resolution one year ago:

*Resolved*, That it is the sense of the board of trustees of the New York State Soldiers and Sailors' Home that the best interests of the institution and the good of the members thereof will be subserved by the reestablishment at the Home of the canteen at which only malt liquors are sold, and the board urgently requests the several Members of Congress from the State of New York to use their best endeavors to accomplish this result.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOULDEN. Mr. Chairman, I ask unanimous consent for five minutes more. I have not troubled this committee much.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOULDEN. The following letter is from the Catholic chaplain, an able and zealous clergyman having the love and respect of all the inmates and the confidence of the trustees and officers:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,  
Bath, Steuben County, N. Y., January 16, 1906.

Hon. J. A. GOULDEN, M. C., Washington, D. C.

DEAR SIR: In compliance with your request, I send my views as to the advisability of returning to the canteen system in the Soldiers' Homes of the country.

I have been Catholic chaplain at the New York State Soldiers and Sailors' Home for nearly four years. When I began my work here I was opposed to the canteen, but experience has taught me that it is morally impossible to eradicate intemperance. The best we can do is to endeavor to control it. A large number of the inmates formed an



appetite for intoxicating liquors early in life and now consider them essential. To my mind it would be far better to establish a canteen at this Home in which the men could obtain mild stimulants under proper restrictions than to practically force them to frequent the saloons, of which there are many in the proximate vicinity of the Home, where the vilest kind of liquors are generally sold.

I am, yours, sincerely,

JOHN F. FARRELL.

Mr. Chairman, I have also the letter of the surgeon in chief of this Home, quite an able young physician, who writes as follows. It is dated at the Bath Home, January 2, 1906, addressed to myself:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,  
Bath, Steuben County, N. Y., January 2, 1906.

Hon. J. A. GOULDEN, M. C., Washington, D. C.

DEAR SIR: Through the commandant I have been informed that you desire my opinion, along with others, as regards the advisability of reestablishing the so-called "canteen" at this Home.

After mature deliberation on the subject I am fully convinced that as a practical means for promoting temperance in the use of alcoholics as well as in conserving the health of the men by offering them a limited amount of a pure beverage (beer or ale) in place of the poisonous material obtainable at our gates the reestablishment of the post exchange should be advocated.

Respectfully, yours,

C. K. HASKELL, Surgeon.

I have a third letter, which I shall put in the RECORD, from the commandant himself, a gentleman who is known as one of the strongest temperance advocates, a member of the Anti-Saloon League, I understand, which my distinguished young friend from New York [Mr. BENNET] is representing on this occasion, I am informed.

Mr. JAMES. Mr. Chairman, will the gentleman yield for a question?

Mr. GOULDEN. Certainly.

Mr. JAMES. I will ask the gentleman if it is not true that his argument epitomized is this: That it is better for the Government to put saloons in the National Homes and keep all the soldiers partially drunk all of the time rather than to have them totally drunk part of the time? [Laughter.]

Mr. GOULDEN. Not at all. It is just the opposite. That might be true in the district in which the gentleman from Kentucky lives, but it certainly is not true of the district represented by my good friend from New York [Mr. FASSETT], in which this Home is located. [Applause.]

Mr. JAMES. Will the gentleman yield for a further question?

Mr. GOULDEN. I refuse to yield.

I desire to say that I have watched this canteen matter in the Home very carefully. I have seen its operation time after time, and it has always been one of those things that even a temperance man could most heartily approve. I have never seen an inmate under the influence of liquor in connection with the canteen at the Soldiers and Sailors' Home at Bath. And I may add that the consensus of opinion of the officers of the Home and of all of those who live in Steuben County, N. Y., who are familiar with this matter, who know the facts thoroughly, is in favor of a reestablishment of the canteen in the State Home at Bath and of the reestablishment of the canteen in the National Homes all over this country.

The following is a letter from the commandant, to which I referred:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,  
Bath, Steuben County, N. Y., December 29, 1905.

Hon. JOSEPH A. GOULDEN, M. C.,  
Washington, D. C.

DEAR COLONEL GOULDEN: In the year 1896 the legislature of this State authorized the trustees of this institution to sell beer and ale to members of the Home on the Home grounds, the profits to be used for the support of the library and reading room of the Home and for such purposes as might be deemed best for the comfort and amusement of the members. Under this authority beer and ale were sold on the Home grounds until May 1, 1904, when a "no-license" vote in the town of Bath, in which town the Home is situated, rendered further sale impossible for a period of two years. The town of Bath has now voted for license again, to take effect on May 1 next, so that after that period there will be no obstacle to the reestablishment of the canteen except such as have been or may be imposed by Congress. In the appropriation bill of 1904 making provision for payments on account of State Homes a provision was inserted that no part of the appropriation should be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold. The same provision was also inserted in the supply bill of 1905. The trustees of this institution desire that the above condition be not attached to the supply bill of next year. They think that the "best interests of the institution and the good of the members will be subserved by the reestablishment of the canteen at which only malt liquors are sold." I concur in their view. The canteen is maintained at many of the National Homes, and, as far as I know, at all of them under authority of Congress. Why a distinction should be made between State and National Homes is not obvious. Another circumstance that has a strong bearing upon this subject is that all sorts of vile intoxicants are permitted to be sold in unlimited quantities in the immediate vicinity of the Home. The present no-license régime furnishes no protection whatever in this respect, and after May next such sales will be legal. It seems to me that to prohibit the sale of malt liquors on the grounds of the Home under proper restrictions and restraints while unlimited and unregulated sale of all sorts of intoxicants is permitted just outside the Home grounds does not appeal to good reason or sound judgment.

ment. It is to be hoped that the present Congress will take a different view of the matter from that held by its predecessor.

Respectfully,

J. E. EWELL, Commandant.

I also quote the following from the hearings before the subcommittee of the Committee on Appropriations in regard to the subject of the canteen.

In reply to a question of Chairman TAWNEY, Major Harris, the treasurer of the National Homes, said:

The effect upon the inmates, diminishing the number of arrests for drunkenness and their going outside without permission.

The CHAIRMAN. Do all the governors and chaplains recommend the continuance of the canteen in which nothing but beer is sold?

Major HARRIS. All the governors do and, with two exceptions, all the chaplains. There were two chaplains who dissented. They thought that the canteen was an evil rather than a benefit. One of those has experienced a change of heart since his last letter and has made a report in favor of the canteen. He has revised his opinion. The experience of the other man in the Home has not been very great, and I have no doubt his expression is honest as to his views on the subject. With those two exceptions all are very heartily of the opinion that the canteen is a benefit rather than a detriment to the Home.

The CHAIRMAN. With one exception, the chaplains say the maintenance of the canteen or the beer hall in the Home is more conducive to good order and discipline and more beneficial physically and otherwise for the inmates of the Home than it would be if that institution was prohibited?

Major HARRIS. Very decidedly, it is.

The CHAIRMAN. That judgment is based upon the experience of the Board and the governors and chaplains where they had no canteen and have since had the canteen, where these men have formed their judgment from personal observation as to the changed conditions brought about by the addition of the canteen?

Major HARRIS. Yes, sir. Experience has also shown, and that is borne out by the reports of the governors, that whenever for any reason the members have been confined within the limits of the Home and had free access to the canteen and did not have access to saloons outside, that drunkenness has ceased and good order has been maintained to a marked degree.

In conclusion, I appeal to the Members of the House to treat my comrades fairly and to do them that justice which they demand. The canteen hall is a place where they can assemble in social and pleasant conversation, enjoy their glass of pure beer or ale, and smoke their pipes. It is an aid to morals, to sobriety, and to discipline. Let it be restored to all the Homes. [Applause.]

Mr. BENNET of New York. Mr. Chairman, if in the town of Bath they are selling as bad whisky as my friend and colleague says, it is a violation of the laws of the State of New York. It is a violation of section 165 of the agricultural law. If the governors of that home had the interests of the old soldiers at heart they would be doing them a far better service if they would see that the sellers of that particular kind of liquor were driven from that particular locality.

Now, Mr. Chairman, there has been laid on the desk of each of us, through the kindness of some unknown friend, a document headed "Canteens in Soldiers Homes." The peculiarity of that document is that it contains letters relative to the eight Homes in which there are canteens, and not one word from the one Home in the United States where there is no canteen.

Mr. STAFFORD. May I ask the gentleman what Home is that?

Mr. BENNET of New York. The Washington Soldiers' Home.

Mr. STAFFORD. That is not a National Home for Volunteer Soldiers, but a Home for those that served in the Regular Army, where the conditions are entirely different.

Mr. BENNET of New York. I am not yielding. The gentleman is in part correct in saying it is not exactly on the same footing that these other Homes are. This is a Home for the regular soldier, paid for by themselves. Yet Congress has passed a law under which in that Home, which they themselves pay for, there is no canteen. Now, Mr. Chairman, I am from a family that has always gone to the wars. Two of my family went to the civil war; and I believe now and always have believed that the men on both sides of that great conflict went into that war, in the great majority of cases, from patriotic motives. Will any gentleman here rise in his place and say that the volunteers of 1861 to 1865 are less sober than the regular soldiers? I say that they were men who went into the Army from impulses of patriotism. They were not drunkards, and I am sure they will compare favorably—yes, even better than the regular soldier himself. Let me give you some figures. They are reports made from the Board of Managers as to the men who have committed offenses. Now, there was on an average 20 per cent in the Washington Home, where there is no canteen, who were up for some character of offense. In the Central Home, at Dayton, Ohio, there were 57 per cent; in the Northwestern Home, with a canteen, in Milwaukee, in the last nine years the average percentage has been 49½ per cent.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. BENNET of New York. Certainly.

Mr. STAFFORD. At the Marion, Ind., Home they never had a canteen until a year ago. Can the gentleman state the per-

centage of cases that occurred there before and the percentage since the establishment of the canteen? Is there not a lack of figures that will corroborate his statement?

Mr. BENNET of New York. I will give the gentleman the figures for the Marion Home when I get to it. In the Eastern Home, 30.7; in the Southern Home, down at Hampton, 54.1; in the Western Home, 24.3; in the Pacific Home, in California, less than 15.3. I am informed that there are practical physical difficulties in the way of getting out there to get liquor.

In the Marion Home, 34.5, and, as the gentleman from Wisconsin intimates, that is not exactly a fair comparison because until the last two years they didn't have a canteen there. Very well, I will read the figures for the whole nine years of these first seven without a canteen: Nineteen per cent, 23 per cent, 23 per cent, 37 per cent, 33 per cent, 36 per cent, 31 per cent, and 35 per cent. In 1905, when the canteen was put in, the figures jumped from 35 to 43 per cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask unanimous consent that the time of the gentleman may be extended.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET of New York. In 1906 it was 49.3 per cent. So that since 1904, when the canteen was not there, until 1906, the last year that it has been there, the percentage of total offenses has increased from 35 per cent to 49 per cent.

Mr. BARTHOLDT. Will my friend state to the House who compiled those statistics?

Mr. BENNET of New York. They are compiled right from these books which I have here.

Mr. BARTHOLDT. Were they not compiled by the prohibition lobby that had its headquarters here in Washington?

Mr. BENNET of New York. If they were compiled by the prohibition lobby they were doing good work. Now, I make the statement on my responsibility as a Member, showing the sources of my information, and I will print them in the RECORD.

Mr. STAFFORD. Will the gentleman explain how it came that during the two days at the Leavenworth Home, July 2 and 3, when the Home managers thought the law passed last year was in force, during which two days the canteen was closed, that there were twice the number of arrests made for drunkenness, resulting from drink obtained outside of the Home, than on the two succeeding days, when the canteen was open?

Mr. BENNET of New York. The fact that those two days were the 2d and 3d of July I think will sufficiently answer that question. [Laughter.]

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes.

Mr. GAINES of Tennessee. Will the gentleman inform the committee whether any officer in control of the Soldiers' Home at Bath has undertaken to indict and prosecute the violators of their local antiwhisky law?

Mr. BENNET of New York. If they have, I have not heard of it; and my friend from New York [Mr. GOULDEN] is one of the board of managers.

Mr. GAINES of Tennessee. There is nothing to exclude them from doing that, is there?

Mr. BENNET of New York. Not a thing. Our courts are open, and we have a very stringent liquor law, under which the sale of impure liquor is a crime. We have a better pure-food law than the National Government has, and under that law the sale of impure liquor is a crime.

Mr. GOULDEN. Those saloons are regularly licensed by the great State of New York; and my colleague [Mr. BENNET] was a member of the legislature, and I have no doubt he assisted in perfecting the license laws of that State.

Mr. BENNET of New York. My recollection is that I voted for a bill to prohibit a saloon within a mile of the Home in Bath. That is what I voted for. [Applause.]

Mr. GOULDEN. The gentleman's colleagues did not.

Mr. BENNET of New York. I decline to yield further. Now, some gentlemen, looking into this thing capiously, might say that these offenses were not offenses that sprang primarily from liquor, and that therefore the comparison was not exactly fair. So let us take the per cent of drunkenness. The great argument they make is that the men go out of the Homes and get drunk in the towns. Here is Washington, with a percentage of 11.8 per cent; the Central Home, 20.8 per cent. These are the men who are tried and convicted in the Homes for being drunk. In the Northwestern Home, 18.7 per cent; in the Eastern, 13.1; in the Southern, 35 per cent. All these Homes have the canteen. The Washington Home, with a percentage of 11.8, does not; the Western, 14.8; the Pacific, where they can not get a drink anywhere, 5.1.

Mr. KAHN. Mr. Chairman, if the gentleman will allow me right there—

Mr. BENNET of New York. I will yield right there. It is a good place.

Mr. KAHN. The gentleman says they can not get a drink anywhere. The governor of the Pacific Home says that anywhere within 2 miles they can get anything they want. I refer the gentleman to the governor's letter on page 19 in these hearings.

Mr. BENNET of New York. At Marion, 14.1 per cent; Danville, 15.3 per cent. So that at every single place where they have a canteen, with the exception of the Pacific Home, they have more drunkenness than in Washington, where they do not have the canteen. I can not see any reason on any ground why the canteen should be continued in these Homes. The large proportion of the people in these Homes are sober; and when the representative of the Board of Managers was before the committee he was asked if he had consulted the inmates as to whether or not they wanted the canteen continued, and he said that he had not, and did not intend to, and did not think it would be good for discipline to ask the inmates whether they wanted the canteen continued.

Mr. STAFFORD. If the gentleman will pardon a question right there, there are many letters from the surgeons and chaplains of these various Homes, all asking for the continuance of the canteen.

Mr. BENNET of New York. I have never denied that.

Mr. STAFFORD. Of course they do not know anything about the conditions of the Homes where they are in attendance!

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET of New York. I should like to have three minutes.

Mr. SIMS. Make it five minutes, and let the time be equally divided.

Mr. OVERSTREET of Georgia. I object.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. OTJEN].

Mr. SIMS. Mr. Chairman, why not let the time be divided equally between those in favor and those opposed. Those opposed to the amendment have had fifteen minutes and the gentleman from New York has only had ten minutes. I ask that the time of the gentleman from New York be extended for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman from New York be extended for five minutes. Is there objection?

Mr. SIMS. I hope the gentleman from Georgia will not object.

Mr. OVERSTREET of Georgia. I shall object, unless the time is limited to ten minutes on each side.

The CHAIRMAN. Does the gentleman object?

Mr. OVERSTREET of Georgia. I will withdraw the objection for the present.

Mr. BENNET of New York. Mr. Chairman, without wearying the House with additional figures, I will say that the same proportion obtains under these heads that I have already read. The percentage for introducing liquor into the Homes. Every time the proportion is in favor of the Home in Washington. That means bringing liquor from the outside into the Home.

Mr. STAFFORD. Does the gentleman know the average age of the inmates of the Washington Home?

Mr. BENNET of New York. I decline to yield further. Mr. Chairman, I will ask unanimous consent to insert all of the figures in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the figures in the RECORD. Is there objection?

There was no objection.

*Statistics in relation to discipline, etc., in National Soldiers' Homes.*

PERCENTAGE OF TOTAL OFFENSES OF ALL KINDS.

Year.	Washington.	Central.	North-western.	Eastern.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898 .....	0.336	0.553	0.485	0.266
1899 .....	.22	.592	.595	.298
1900 .....	.167	.603	.449	.516
1901 .....	.13	.619	.412	.35
1902 .....	.16	.527	.395	.282
1903 .....	.183	.565	.438	.227
1904 .....	.197	.584	.625	.202
1905 .....	.218	.57	.524	.31
1906 .....	.224	.58	.510	.317
Average for nine years .....	.203	.577	.495	.307



Statistics in relation to discipline, etc., in National Soldiers' Homes—Continued.

PERCENTAGE OF OFFENSES OF ALL KINDS—continued.

Year.	Southern.	Western.	Pacific.	Marion.	Danville.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898.....	0.648	0.854	0.098	0.199	.....
1899.....	.369	.805	.164	.231	0.445
1900.....	.255	.244	.209	.377	.763
1901.....	.885	.219	.12	.339	.496
1902.....	.611	.209	.051	.368	.262
1903.....	.608	.143	.102	.310	.32
1904.....	.51	.212	.092	.354	.349
1905.....	.524	.282	.399	.438	.317
1906.....	.464	.335	.145	.493	.281
Average for nine years..	.541	.244	.153	.345	.359

Average for period of the eight Homes with canteen ..... 0.377  
 Average for period of Washington Home (no canteen) ..... .203

PER CENT OF DRUNKENNESS.

Year.	Washington.	Central.	North-western.	Eastern.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898.....	0.136	0.173	0.188	0.136
1899.....	.104	.288	.261	.141
1900.....	.111	.269	.173	.288
1901.....	.088	.27	.15	.164
1902.....	.108	.215	.153	.088
1903.....	.117	.201	.166	.07
1904.....	.133	.17	.372	.046
1905.....	.131	.153	.112	.12
1906.....	.138	.136	.112	.133
Average for nine years .....	.118	.208	.187	.131

Year.	Southern.	Western.	Pacific.	Marion.	Danville.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898.....	0.372	0.164	0.037	0.076	.....
1899.....	.201	.201	.057	.069	0.346
1900.....	.215	.133	.057	.135	.349
1901.....	.715	.124	.062	.142	.187
1902.....	.496	.153	.024	.108	.074
1903.....	.388	.112	.054	.151	.075
1904.....	.304	.121	.06	.161	.10
1905.....	.238	.148	.029	.197	.128
1906.....	.228	.177	.079	.235	.100
Average for nine years..	.350	.148	.051	.141	.153

Average for period of the eight Homes with canteen ..... 0.171  
 Average for period of the Washington Home, no canteen ..... .118

PER CENT FOR INTRODUCING LIQUORS INTO HOMES.

Year.	Washington.	Central.	North-western.	Eastern.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898.....	0.007	0.024	0.018	0.004
1899.....	.003	.012	.012	.001
1900.....	.003	.059	.032	.037
1901.....	.002	.061	.026	.049
1902.....	.003	.055	.023	.041
1903.....	.006	.07	.034	.045
1904.....	.006	.079	.026	.023
1905.....	.011	.057	.047	.053
1906.....	.016	.061	.051	.041
Average for nine years.....	.006	.053	.029	.032

Year.	Southern.	Western.	Pacific.	Marion.	Danville.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898.....	0.055	0.005	0.006	0.008	.....
1899.....	.019	.012	.091	.002	.....
1900.....	.005	.014	.....	.014	0.059
1901.....	.017	.002	.....	.033	.04
1902.....	.012	.002	.002	.040	.067
1903.....	.015	.003	.....	.038	.106
1904.....	.021	.022	.....	.069	.104
1905.....	.023	.034	.....	.042	.088
1906.....	.015	.042	.003	.043	.082
Average for 9 years.....	.02	.015	.003	.032	.078

Average for period of the eight Homes with canteen ..... 0.032  
 Average for period of the Washington Home, no canteen ..... .006

PER CENT OF ABSENCES WITHOUT LEAVE.

Year.	Washington.	Central.	North-western.	Eastern.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898.....	0.127	0.013	0.011	0.107
1899.....	.092	.106	.133	.118
1900.....	.016	.141	.151	.126

Statistics in relation to discipline, etc., in National Soldiers' Homes—Continued.

PER CENT OF ABSENCES WITHOUT LEAVE—continued.

Year.	Washington.	Central.	North-western.	Eastern.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1901.....	0.026	0.221	0.171	0.091
1902.....	.081	.207	.148	.089
1903.....	.052	.269	.182	.064
1904.....	.049	.252	.13	.088
1905.....	.062	.198	.205	.107
1906.....	.051	.261	.20	.12
Average for nine years.....	.059	.185	.147	.101

Year.	Southern.	Western.	Pacific.	Marion.	Danville.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1898.....	0.140	0.098	0.024	0.027	.....
1899.....	.017	.069	.097	.066	0.073
1900.....	.009	.068	.132	.128	.152
1901.....	.019	.038	.046	.076	.138
1902.....	.011	.089	.014	.105	.052
1903.....	.02	.062	.032	.104	.05
1904.....	.106	.086	.023	.145	.051
1905.....	.134	.127	.02	.149	.043
1906.....	.161	.156	.043	.127	.021
Average for nine years..	.068	.088	.047	.103	.064

Average for period of the eight Homes with canteen ..... 0.100  
 Average for period of Washington Home, no canteen ..... .059

Mr. BENNET of New York. Now, Mr. Chairman, I find that some gentlemen here are misled as to what the exact situation of the law is. On the 12th of June this House put in this provision:

*Provided*, That this appropriation shall be available only under the conditions that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

That is, it stopped it during the life of that appropriation. The Senate amended that as follows:

Hereafter there shall not be maintained in any Home for Disabled Volunteer Soldiers any bar or canteen for the sale of beer or wine or other intoxicating liquors.

That technically threw the matter into conference, and the conferees, although both Houses had voted against the canteen, this House for the entire life of the appropriation and the Senate permanently, made this modification:

*Provided*, That no part of this appropriation shall be available after March 4, 1907—

Thus limiting the decision of both Houses—

except on condition that no bar or canteen should be maintained at said Home for the sale of beer, wine, or other intoxicating liquor after said date.

I have been asked, Mr. Chairman, to criticize the conferees, but I shall not do so. I assume that the conferees did their duty; but I have a picture in my mind's eye of the gentleman from Minnesota staying out hour after hour, and day after day, agonizing to maintain the position of this House. I realize that he is defenseless against the attack, if it is made, because he is bound in honor not to disclose on the floor of the House what took place in the conference. Therefore I will assume, although he vigorously opposed this amendment last year on the floor, that when he got into conference he attempted with all the vigor of his great personality to maintain the rights of the House, and that the Senate conferees ran over him and forced a compromise which was no compromise, but a recession from the position of both Houses.

Now, Mr. Chairman, I hope that we will vote to continue to make the inmates of the National Homes as sober as we have made the inmates of the Home at Washington, and I know our constituents will approve of our action. [Applause.]

Mr. TAWNEY. I would like to ask the gentleman from New York a question.

Mr. BENNET of New York. What is it?

Mr. TAWNEY. Was whisky sold within a mile of the Home in Washington?

The CHAIRMAN. The gentleman has half a minute of his time remaining.

Mr. BENNET of New York. Then I will answer the gentleman. That is a fact, and it is also the fact that within a mile and a half of the Central Home at Dayton no liquor is allowed to be sold, and yet the drunkenness in the Dayton Home is about four or five times as great as in the Home here.

Mr. NEVIN. Mr. Chairman, as to that I should like to be heard in my own right for a little while.

Mr. BENNET of New York. I will modify that and make it three times.

The CHAIRMAN. The Chair has recognized the gentleman from Wisconsin [Mr. OTJEN].

Mr. BENNET of New York. Just a moment; I want to correct that one error. I did not have the figures. The figures for the Washington Home are 11.8 per cent, and the figures at the Dayton Home are 20.8 per cent—nearly twice as much.

Mr. BURLESON. Who made those figures?

Mr. BENNET of New York. They were made right here by the Board of Managers.

The CHAIRMAN. The time of the gentleman from New York has expired, and the Chair has recognized the gentleman from Wisconsin.

Mr. OTJEN. Mr. Chairman, the Northwestern Branch of the Soldiers' Home at Milwaukee is in the district that I represent, and I would fail in my duty if I did not rise here and protest against the abolition of the canteen. [Applause.] The average age of the men at the Soldiers' Home is nearly 70 years; their habits are fixed; they are as fixed as the rock. Whatever habits they have, they will carry with them to the grave, so it is nonsense to say that any men in the Home will be tempted and misled by the fact that there is a canteen there. It is not true that the canteen is a temptation. I speak in regard to the canteen at Milwaukee. The building is to one side, and if any man goes to it, he goes to it because he wants to go there. I do not say that if the canteen is run in the Home the men will not go out among the saloons. Some will. There are some men in the Home who do not drink, but the great bulk of the men there do drink, more or less, and if you close the canteen you will simply drive more of these men out into the saloons. I know the conditions of that Home. I know the conditions of the men there. I know the conditions around outside of the Home. The saloon men outside are glad to have this amendment adopted, so as to drive more of these men into these dens outside, where there is no control, where they take advantage of these old men, and where they manage, in one way or another, to get their pensions from them. Every official, from the manager to the chaplain, connected with the Homes says it will be a mistake to abolish the canteen. The chaplain at the Home says so. I can not stop to read all of these statements given in the hearings relating to canteens in the Homes. In these hearings there are statements from Archbishop Messmer, the archbishop of the Catholic Church. There is a statement here from Bishop Webb, of the Episcopal Church, and I want to read a few words of what he says. He says:

I feel very strongly that the abolishing of the canteen is a very grave mistake, even from the point of view of those who are trying to do it. The only possible result will be to drive the soldiers to the low taverns and dives outside of the grounds of the Home, where they are under no restraint of any kind. How anyone who knows anything about the conditions can think for a moment that any good is to be accomplished by any such action I do not see. The canteen, with its proper restrictions, is the greatest possible help to temperance in its true sense. I most sincerely hope that it will not be abolished.

There are statements here from the mayor of the city, from the chief of police, from the sheriff, from the judge of the police court, from the judge of the municipal court. There are statements here from Col. A. G. Weissert, who was commander in chief of the Grand Army of the Republic; from Gen. F. C. Winkler, one of our leading Grand Army men and a respected citizen, and from the best people of the city of Milwaukee. They have no other purpose than to tell the truth and to say that which is for the best interest of the soldier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I want to call the attention of the House to the character of evidence that we are asked to believe in opposition to the amendment, which constitutes these hearings. Now, listen to the very second answer that is given. I read:

Major HARRIS. It has been a matter of experience in the history of the Homes that the tendency is for low grogeries to be located in the vicinity of the Homes, and it has always been the programme to keep the men from frequenting these vile and low places, where they not only sell the lowest kind of liquor, but they are run and occupied by thieves and prostitutes and everything that is vile.

Here is a statement as a foundation upon which the canteen is sought to be restored, that the tendency of these low, vile, inhuman criminal wretches is to concentrate at the doors of the Homes. What kind of a reflection is that upon the volunteer disabled soldiers of this country—that they are attracted to the resort of thieves, prostitutes, and scoundrels, that the tendency is for this kind of people to go there? Why that tendency? Why does evil segregate and go to any particular place except that it is more welcome there? Why do gamblers go to a certain place or town if there is no gambling there? Why do these infamous wretches that are here described, the low-dive people and the prostitutes, go to the doors of the old soldiers' Homes? I do not believe any such a story.

No soldier has had an opportunity to say anything in these hearings. No; the inmates are not to be consulted. The men whom they claim are so anxious to buy beer and wine, and things of that sort, who are going to fill up and patronize these low dives—are they not worthy of giving evidence? They take the evidence of the governors of Homes, of chaplains, or some of them, and, strangely enough, it nearly always comes from where liquor or beer is manufactured or sold. Milwaukee is prolific in evidence here, and we know Milwaukee is prolific in something else—in beer. But I say, take the average old soldier. What is his age? It could not be under 65 or 70 years, and tell me that men of that age frequent these dens and debauch themselves, and on account of which we are asked to put the canteen inside of these Homes? Demanded not by the soldiers, but demanded by the people who make the vile stuff and make a profit out of selling it to these soldiers. Tell me of building up saloons in anticipation of these Homes? What is the anticipation of the character of the inmates? What is the anticipation of the character of the old soldiers? Is it on the supposition that they will rush in and patronize the low grogeries? Thank God, there are those who wore the gray and wore the blue in the South who are not filling these grogeries and saloons. There is no Home in the South that will attract twenty grogeries of the character described here, and tell me that this is done for the soldier who wore the blue? God knows I think too much of the volunteer soldier who fought for what he believed was right, who was not stimulated by something which stole away his brains while making him a reckless madman. I deny that men of this character patronize these kind of places. These arguments are inspired by the love of guilty gold and rest on greed and avarice that would rob an angel of his wings if they could be sold at a profit.

Mr. Chairman, I read from these hearings the report of the chaplain of Mountain Branch Home in Tennessee, which shows the effect of the canteen in that Home:

MOUNTAIN BRANCH, August 3, 1906.

SIR: Replying to your letter of July 17, 1906, touching the beer hall, I have the honor to say, in answer to the question, "Has the influence of the beer hall, on the whole, been an advantage or a disadvantage to the members of the Home?" with a careful observation of fourteen months without the presence of the beer hall and nineteen months with it in existence and full operation, my judgment is that its influence is a disadvantage to the members.

To the question, "What, if any, effect has it had in restraining members accustomed to the use of alcoholic beverages from indulging in strong liquor?" will state a good per cent of the class above described content themselves with the use of beer, while there is another class anxious to break away from the drink habit and would, in my judgment, succeed but for the presence and influence of the beer hall in the Home.

Again, "What, if any, is the influence of the beer hall in promoting social acquaintance of the members and relieving the tendency to depression incident to barrack life?" In answer to this question, I feel sure that the presence and influence of the beer hall creates a fraternal chasm between those who patronize the beer hall and those who do not, and thus hinders rather than helps sociability, while, with the age and decrepitude of those who patronize the beer hall, the habit seems to incline them to be more fault-finding, moody, and irritable.

Finally, to the question, "Would the discontinuance of the beer hall, in your judgment, result in more or less drunkenness among members of the Home?" I beg to say that it is my impression that its discontinuance would result in very much less drinking and considerable less drunkenness.

The question is one of difficult solution, and I devoutly trust that the agitation will continue until that which is wisest and best for the members of the Home is attained.

Respectfully,

J. A. RUBLE, Chaplain.

HON. FRANKLIN MURPHY,  
President Board of Managers.

Mr. NEVIN rose. [Applause.]

Mr. NEVIN. Mr. Chairman, I have lived within 3 miles of the Central Branch of the Soldiers' Home since the time its foundation stone was laid. I know almost every inmate of it, because for three successive times I have canvassed it when I was a candidate for Congress. I know the men, I know them personally, and I know the history of that institution. Those soldiers are as good a class of men as ever lived on this earth. [Applause.] But they are like all men. They have gone through the war. They fought the battles of our country. They are feeble. They have wounds upon them; they have old age and sickness, and, like every other man, they want the right to take a drink if they see fit, and that is all you are giving them. [Applause.] You are not compelling them to drink. You are not asking them to drink, but you are simply saying to the soldier who fought your battles that if he wants a glass of beer he can have it. I know the history of these men, and I know the history of them so far as crime is concerned.

I do not care anything about your figures. For many years I was prosecuting attorney in that county, and I know that five times the amount of crime was committed upon soldiers before the canteen was there than committed upon them since. [Applause.] I know when they used to go to our city of Dayton



after their pension was paid, and would go home, and right along the railroad track leading out to the Soldiers' Home they were waylaid and robbed. Three murderers, sir, I tried in one term of people who robbed and murdered and killed old soldiers going to their Home when drunk. It has not been true since. I venture to say not 20 per cent of the crimes upon them have been committed since the canteen was in the Home that were committed before. They used to come down to Dayton. They would go to the low grogeries, and they would be enticed there; they would go to brothels; they would go here and there, and then they were robbed.

We had pocket-picking case after pocket-picking case, larceny case after larceny case in which a strong-armed man held them up and robbed them, who followed men with a dirk and dagger and who killed them for the few paltry dollars he could find on them. We have not any more of them out there. And I speak in the cause of the good people of Dayton, and I speak in the interest of the soldiers of that Home when I ask of you, gentlemen, not to take away the canteen from that Central Branch. [Applause.]

Some gentleman has said here that the soldiers are not heard in this. I will venture the prediction now that if you will appoint a commission and leave it to the soldiers of the Home you will find that three-fourths will be in favor of it. I know they want it. The difference is that instead of coming down into the city and drinking whisky and being assaulted on the way home, they are taken as American citizens, treated kindly, given a glass of beer if they want it, and when some of them who are old and do not know how much to take, consume a little too much, they are restrained. They can not buy any more of the checks, and the result is that they are looked after and cared for. These men are not bums. These men are not the class of men that the gentleman from Tennessee would have you believe we have there.

Mr. SIMS. I did not say any such thing.

Mr. NEVIN. That he would have us believe we have there.

Mr. SIMS. I said that this gentleman on whose testimony you rely says they attract such people as that.

Mr. NEVIN. I said when they are led away that is true. But when you get out to the Home you will find a magnificent class of men who are intelligent, some of them speaking two or three languages, men who are magnificently read in history, men who are able to play music, to paint, and all of that. It is an astonishing fact that in these Soldiers' Homes you find some of the best educated men in all the country, and yet they are men who want to take a glass of beer. Why should it be cut off from them? It does not compel them to drink. It is not a saloon set up to tempt them, but it is a restraining influence. It is simply that those who are in their old age and who desire a glass of beer can have it, and nothing more. If they want it they will get it, but instead of getting it at the Soldiers' Home canteen they will go down to the city of Dayton and go into the grogeries and drink vile whisky. Then we will have the old régime, we will have the old thing that we had when I was prosecutor there, and we will have more trouble with the soldiers in the Home than all of the rest of our population put together. In the interest of good government I ask that you vote for the canteen.

The CHAIRMAN. The Chair will first recognize the gentleman from Michigan [Mr. GARDNER], who is against the amendment, and afterwards will recognize the gentleman from New York [Mr. FASSETT].

Mr. GARDNER of Michigan. Mr. Chairman, this morning I was called from the floor of this House into the room of the Committee on Appropriations to meet the commander in chief of the Grand Army of the Republic, who is now in this city, Gen. R. P. Brown, of Zanesville, Ohio. He said, among other things, in my presence, and in the presence of several other gentlemen, Members of the House, "I come commissioned by the commandant of the Soldiers' Home at Dayton, Ohio," which is the one just referred to by the gentleman from Ohio [Mr. NEVIN], "to urge upon you to continue the canteen in that Home." The commander in chief is himself, as it came out in the conversation, a member of the Board of Managers of the State Home at Sandusky, Ohio. He said that when he had his last report there were 1,353 inmates. It was asked him, "Would you have beer sold or the canteen established at the State Home at Sandusky?"

Mr. LITTLEFIELD. Under his charge?

Mr. GARDNER of Michigan. Under his charge; where he has a vote. He said, "I would not; never." In the one case he said he spoke by the request of the commandant. In the other the spirit of the commander of the Grand Army rose up and said, "I will protect my comrades by my votes where I have authority to do it and keep the canteen out."

Now, again, gentlemen, do not be unmindful of the fact that there is a new element coming into these national Homes, the young soldiers of the Spanish-American war, and in increasing numbers. We are putting the cup to their lips as well as to the lips of the gray-haired veteran of '61—the heroes of Santiago as well as the heroes of Appomattox. Then, again, side by side with the men who are in the State Homes they walk with the men who are in the national Home, elbow to elbow, under the same flag, having fought in the same battles, and yet you in this House say to these men in the State Homes, constituting a large majority of all the veterans of the civil war in all the Homes—you say to them through the State receiving aid, "You can not receive one dollar of aid for the care of these soldiers if you have a canteen in them."

You make flesh of one and fowl of the other. You say because a man is in a State Home he must be prohibited from beer. You would say because a man is in a National Home, out of the same regiment, out of the same company, he can have beer. Where is the consistency, gentlemen?

Mr. GOULDEN. Does not my colleague think that if we allow the canteen to be continued in the National Homes we should do so in the States Homes?

Mr. GARDNER of Michigan. To be consistent, you can not do anything else.

Mr. GOULDEN. That is what we are going to do.

Mr. GARDNER of Michigan. The Home within a mile of the dome of this Capitol was established by law—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I ask two minutes more.

There was no objection.

Mr. GARDNER of Michigan. That Home was established by law requiring on the part of the soldier, and does to this day, to make an annual contribution from his pay in the Regular Army. Yet after they had built that Home and cared for themselves, given their lives to their country, not for four years nor five years, but for twenty, thirty, and forty years, literally their manhood life, you come up here and say to them in their old age, in the evening of life, "If you want these stimulants and ought to have them—within the sound of my voice—you say you can not have it, though you have given forty years to the service of your country." Is it consistent, gentlemen, to vote it? To be consistent, if you give it to one Home, give it to all. [Applause.]

Mr. FASSETT. Mr. Chairman, it is precisely because I take advantage of the hope that this House will be consistent for at least a short period of time in the passage from one part of the bill to another part, that I speak what I would have said to a latter part of the bill with reference to canteens for soldiers and sailors in the State Homes.

Mr. Chairman, when it comes to the issue of rum or no rum, of drink or no drink, of temperance or intemperance, I refuse to let the impassioned orators on the other side place my name with the lower delights, although it might bring them the delights of men that have been transported into silent wreck.

It seems to me that this is not a time for a discussion of the temperance question. It is not a question of general morals. It is a question of specific prudence in the management of Soldiers and Sailors' Homes. It is a question not of theory but of practice. It is not a question of what constitutes the highest possible ideals for the old soldiers. It is not a question of what the old soldier ought to be. It is a question of human experience and of human happiness. [Applause.] It is a question that can be solved by the actual experience of men having these men and their welfare in charge. Not one of us would yield to another in our desire to make the last days of the relics of the wars comfortable and happy and moral as possible. My good friend, my colleague of New York, talks about making a man sober by legislation. You can not make a man sober by legislation any more than you can make him intelligent or rich by legislation. These men are no children. We have these men in the Homes because they have no other home.

And, when gentlemen talk of the enforcement of discipline against these men—have suggested turning them out again into the world to go to the poorhouse or to the county jail or the workhouse, we must make these men the best that it is possible for them to be; not as they ought to be, not as our fancy, not as our love, not as our hero worship would have them; but we must take these old men as they actually are [loud applause], scarred, tattered, life worn, struggle worn, relics of a strenuous time. Poor old men! Their habits were formed in the heat and passion of youth. Here they are. How will you treat them? I can not speak for the National Homes; I can not speak for other Homes; but in my own district are 2,200 old soldiers and sailors, averaging between 60 and 70 years of age, I suspect as high in morals, as high in intelligence, as regu-

lar and proper in conduct as the average collection of 2,200 remnants of any war by any people anywhere; but they are there with fixed habits. Now for three years that Home has been dry, and the town of Bath has been dry, but last fall the town of Bath went wet, and the experience has been unhappy in the management of the Home. By their unanimous vote the board of trustees, men of every rank and experience in life, have asked us to allow them to reestablish the old beer hall, where the soldiers, with music, find entertainment and drink in the Soldiers' Home. We have refused. Saloons have sprung up. Now, we can not change these men's habits by law. Can we let the spectacle be afforded to the young of Bath of the pitiful weaknesses of an increasingly helpless old age? [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. TAWNEY. I move that all debate be now closed. [Cries of "Oh, no!"]

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. TAWNEY. I withdraw the motion. I did not know that there was such a general desire to extend the time.

The CHAIRMAN. Does the gentleman from New York [Mr. FASSETT] desire further time?

Mr. FASSETT. Not that I think I can add anything to what other gentlemen have said—

Mr. GAINES of Tennessee. I ask it for the gentleman.

Mr. FITZGERALD. I ask that my request be submitted to the House. I have asked unanimous consent that the gentleman's time be extended five minutes. I think that is the thing for the Chair to submit.

The CHAIRMAN. That may be, but the Chair is trying to find out whether the gentleman from New York [Mr. FASSETT] wants the time or not.

Mr. FITZGERALD. The request would not have been made if the gentleman had not wanted it, and I assume that it is not within the province of the Chair to inquire.

The CHAIRMAN. But the Chair thinks otherwise, and rules otherwise.

Mr. FITZGERALD. I respectfully differ from the Chair.

Mr. FASSETT. Mr. Chairman, I would be very glad if the House would extend me unanimous consent for a few minutes further.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. FASSETT. Mr. Chairman, I would not have asked for one moment's time if these people, who are my neighbors and who have given lives of consecrated service to this Home at Bath, did not believe it was important for the welfare of that Home and its inmates that this House should concede them the privilege of having the canteen in the Soldiers' Home. It is not pleasant to be here and to be confounded and confused in public thought or in public accusations with the friends of rum, with the friends of greed, with the friends of lust, with the friends of crime. Mr. Chairman, it is because I believe this House will in the end legislate for these soldiers along the line of what they are and of what conditions have made them and of what their lives may be made under proper and sane regulations that I have taken the floor at all. If legislation could make them perfect we would enact that legislation by unanimous consent, and they would be ideal heroes in every aspect and every relation of life. We did not ask these men whether they drank poison, we did not ask their habits when they were at the front risking their lives for the nation, and now when they are on their road to the long rest that knows no waking it is too late for us by legislation to try to make them perfect. And the very chaplains—the men who are charged with their spiritual welfare—say that it is more easy to reach them and sustain them and maintain them and elevate them if they are permitted this indulgence than otherwise.

I am not so much voicing my own sentiments as the sentiments of the men who by association and training and devotion know what the old soldier needs, know what these old men are accustomed to, know that the elements of humanity are strong within them, and that they seek to get, as you and I have always sought to get, that which we were forbidden to have, if the fruits are sweet. [Applause.] And I say it ill becomes us to read each other moral lectures here. It is not a question of morals so much as the practical regulation of human beings, who need a kindly care rather than the restraining arm of violent law. Gentlemen have said: "Why not punish the saloon keepers?" Have they ever tried to get a conviction for the viola-

tion of an excise law? It needs more evidence than would be needed to convict a man to be sent to the scaffold, ordinarily, to convict a man of selling intoxicating liquors.

Mr. BENNET of New York. Will my colleague yield?

Mr. FASSETT. Certainly.

Mr. BENNET of New York. I will answer for one, and will say yes, that I have tried under the Raines law in our State, and that as a result of the efforts of those who were associated with me, in the city of New York we have reduced the number of vile resorts known as "Raines law hotels" from 1,400 to fewer than 600, and it is perfectly possible under our law to do it.

Mr. FASSETT. That is an entirely different proposition. Mr. Chairman, I thank the House for its courtesy. [Prolonged applause.]

Mr. TAWNEY. Mr. Chairman, I move that all debate on this amendment be closed at fifteen minutes to 10 o'clock, the time to be divided equally for and against the amendment.

The CHAIRMAN. The gentleman from Minnesota moves that all debate be closed at fifteen minutes of 10 o'clock.

The question was taken; and the motion was agreed to.

Mr. BARTHOLDT. Mr. Chairman, the question is simply whether this House or the committee is to be controlled in its decision of this question by sentiment—I shall not apply an adjective to the word sentiment—or by practical experience and by common sense. I for one propose to be controlled when I cast my vote by the advice of those who have managed the Soldiers' Homes heretofore.

A few weeks ago the National Board for these Homes held a meeting in the city of Washington, and, as is well known, the President of the United States is president of that Board, and that Board consists of a number of very distinguished gentlemen, all temperance men, and the majority of them prohibitionists. That Board passed a resolution upon the motion of the junior Senator from Missouri—

Mr. GARDNER of Michigan. Will the gentleman yield?

Mr. BARTHOLDT. I can not yield. Upon the motion of the junior Senator from Missouri a resolution was unanimously passed, asking Congress to continue the canteen. I for one propose to be controlled by the practical experience that these men have had in the management of the Homes. The comparison between the Soldiers' Home here and the National Home for Volunteer Soldiers is not correct and does not hold good. The Soldiers' Home here in Washington is under the discipline of the War Department, while to the National Home only old veterans are admitted. As to the statistics submitted by my friend from New York [Mr. BENNET] I desire merely to refer to the report of Governor M. R. Patrick, of the Central Branch, in which he says that the official reports of Hon. Ira Crocker give the number of arrests of members from July 12, 1885, to July 1, 1886, at 486, while for the same length of time after the beer hall was opened, from July 1, 1886, to July 1, 1887, the arrests were 254, a difference of 212.

The CHAIRMAN. There were thirteen minutes of time remaining when the gentleman from Missouri was recognized. At that time the gentlemen who were opposed to this amendment had taken forty-five minutes and only twenty-seven minutes for those in favor of the amendment. Therefore the Chair thinks that in all fairness the gentleman from Iowa [Mr. HEPBURN], who is to close, should have the remainder of the time. [Applause.]

Mr. HEPBURN. Mr. Chairman, the gentleman from Missouri said that this was a question of common sense against sentiment—sentiment without an opprobrious epithet, an epithet I presume he could have supplied to the sentiment of this character if the occasion had been seemly.

Mr. Chairman, to my mind this is an important occasion, and this question is an important one for the membership of this House. Mr. Chairman, this is the only time that this Congress will have an opportunity or has had an opportunity to range itself upon one of the great moral questions that agitate the American people. [Applause.] This is the only time that this House of Representatives has had an opportunity to see whether its sentiments shall be in favor of that temperance that so many of our people are the advocates of or whether we shall cast our influence on the other side—the side of rum, as the gentlemen have said.

Mr. Chairman, I am astonished particularly at the gentleman from Missouri [Mr. BARTHOLDT]. It is not long since we heard how eloquently he pleaded for peace, for quiet, for the good order of the universe and of the world. He was willing to deprive his Government of all the power of self-defense in the interest of peace, and yet, Mr. Chairman, more men are slaughtered by rum each year than by war in any ten years of the world's history. [Applause.]



Mr. Chairman, if you measure it by money, rum costs the people of the United States thirteen hundred millions of dollars every year—more than the cost of all of the armies of Europe during the last twelve months. Two hundred thousand men are estimated to die through the influence of rum each year. Yet during all the war of the rebellion, during all of that four years of slaughter, but 67,000 men died wearing the uniform of blue on all the battlefields of four years. Ah, Mr. Chairman, that it is an evil every man confesses. We may not do much, we may not accomplish much in checking its ravages, in stopping its sway, but I can say in this House that so far as the opportunity goes, so far as it is within our power, we will cast our influence on the side of morals, in the interest of peace—peace—peace throughout the world—peace in the homes, quiet and order in American homes!

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. HEPBURN. I certainly will.

Mr. BARTHOLDT. Is not this amendment in the interest of rum, rather than temperance?

Mr. HEPBURN. Mr. Chairman, I would say not, so far as the votes of this House are concerned. I have not yet been taught in that school where certain gentlemen seem to indicate they have been, that it is easier to do that which it is difficult to do. That is their theory. They say that if we do throw difficulties around the drunkenness of these men they will be more drunken. In proportion as we build barriers around them they will be able to scale and overcome them. That is their theory. They tell us that if these men do not have the opportunity to be drunk they will become drunk. Is there philosophy in that? That is the answer to the gentleman's query.

Mr. Chairman, I am not familiar with these Homes. I do not know whether gentlemen who have extolled the canteen have been dispassionate in their statements or not, but I can not believe that removing the opportunity for drunkenness increases drunkenness. I do not believe that the appetite for liquor will be promoted and increased by throwing impediment in the way of the indulgence in that appetite; and so I vote against the canteen. I believe it is a harm; I believe we at least ought not to throw our influence on that pernicious side; and therefore I shall not vote as will my friend from Missouri [Mr. BARTHOLDT]. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and the Chair announced that he was in doubt.

The House divided; and there were—ayes 92, noes 88.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. TAWNEY and Mr. BOWERSOCK to act as tellers.

The House again divided; and the tellers reported—ayes 91, noes 86.

So the amendment was agreed to.

The Clerk read as follows:

State or Territorial Homes for Disabled Soldiers and Sailors: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$1,175,000: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: *And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

Mr. GOULDEN. Mr. Chairman, I move to amend by striking out the proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 158, beginning with line 21, strike out the proviso and the rest of lines 21, 22, 23, and 24.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word just for the purpose of reading to this committee the very short statement in the RECORD touching upon soldiers of the Army conducting saloons on the outside of their posts, a very astonishing statement, I dare say, to all of you, as it was to me. I read from page 592 of the RECORD of December 10, 1906, from a speech of one of the Senators from Ohio, who read the testimony of G. W. H. Rucker in connection with the Brownsville matter.

Mr. TAWNEY. Mr. Chairman, to what is the gentleman speaking?

Mr. GAINES of Tennessee. I am speaking to a pro forma amendment.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. TAWNEY. Mr. Chairman, I do not think it is right to waste time in trying to get into the Brownsville affair.

Mr. GAINES of Tennessee. That is not my purpose at all, and I wish the Brownsville matter never had occurred. God knows I am sick and tired of it, as everybody else is. I read as follows:

Then there is the testimony of G. W. H. Rucker:

"About Monday night last, about half past 8, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside, gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats that they would die and go to heaven before they would go back into post, but do not know what the conversation was about. Yes; I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. About 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any 'pop,' as the boys had been having a little trouble with the citizens, and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town; that this Company C could whip the whole State of Texas."

Now, that is not my statement; that is the statement of Mr. G. W. H. Rucker, and is printed in the RECORD and quoted by Senator FORAKER—a most remarkable thing, Mr. Chairman, that the soldiers wearing the uniform of the American Army are conducting saloons on the outside of posts where they are stationed to preserve order and peace and sobriety and to glorify and uphold the American Army.

Now, it seems to me that the distinguished Secretary of War, Judge Taft, ought to know this, and hence I put it in the RECORD. I say it is a great outrage to permit that sort of thing. I can not, Mr. Chairman, read the whole paragraph, because I do not want to get connected with my proposition the unfortunate Brownsville matter, but for the purpose of putting it in the RECORD, to call it to the attention of this great representative body of the people, the country, and that splendid Secretary of War, Judge Taft. Simply for those reasons I rose in my seat to say this much.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Back pay and bounty: For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the act of July 28, 1866, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1908, \$200,000: *Provided*, That in all cases hereafter so certified the said accounting officers shall, in stating balances, follow the decisions of the United States Supreme Court or of the Court of Claims of the United States after the time for appeal has expired, if no appeal be taken, without regard to former settlements or adjudications by their predecessors.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on the proviso for the purpose of asking the chairman for information as to that.

Mr. SMITH of Iowa. Mr. Chairman, I will state that under the rule of the Treasury Department certain claims for back pay and bounty were rejected. Subsequently the Court of Claims of the United States in other similar cases decided in conflict with the auditing officers of the Treasury Department. The result of that simply is that under the rule of the Treasury, they will not reopen a settlement once made. Every claimant goes to the Court of Claims. The Court of Claims then calls on the Treasury Department for the record. The record is transcribed and sent to the Court of Claims. The Court of Claims then gives judgment if the claimant is entitled to judgment. Then the matter is recertified to the Treasury Department to pay, and the result is the Government has to pay the claim, just the same. This provision was drafted by the law officers of the Government after consultation with the Treasury official, one of the law officers, charged with the defense of these claims. He insists that the cost, expense, and labor are vastly increased by this circuitous settlement of going through the Court of Claims, calling on the Treasury, the Treasury furnishing the record, the Court of Claims entering judgment, and the judgment being certified back to the Treasury, and this can be avoided by simply providing that where the Supreme Court of the United States or the Court of Claims has decided that a certain claim is a valid claim against the United States, under this paragraph the Treasury Department will reopen the case and adjudicate the claim, thus avoiding this unnecessary labor and expense.

Mr. GARRETT. Let me ask the gentleman—my ideas are very hazy about this; I have only a hint of it, and I am asking purely for information. I hope the gentleman will understand. I am not trying to delay matters—

Mr. SMITH of Iowa. Certainly.

Mr. GARRETT. Under the rule of the Department, is it not true there is a certain ruling there as to cadets in West Point which has been overturned by the Supreme Court or the Court of Claims?

Mr. SMITH of Iowa. Not with reference to this item. Possibly that may be true, but it has nothing to do with this item.

Mr. GARRETT. As a matter of fact, as I understand—

Mr. SMITH of Iowa. This is simply back pay and bounty of volunteers of the civil war.

Mr. GARRETT. And this will not in fact result in any increase in expenditure, but will save money?

Mr. SMITH of Iowa. It will not increase expenditures, but will save money and a large amount of labor.

Mr. GARRETT. I withdraw the point of order.

The Clerk read as follows:

Convention with Mexico: Toward the construction of a dam for storing and delivering 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the headworks of the Acequia Madre now exists, above the city of Juarez, Mexico, as provided by a convention between the United States and Mexico, proclaimed January 16, 1907, \$1,000,000, to be available as needed and to be expended under the direction of the Secretary of the Interior in connection with the irrigation project on the Rio Grande: *Provided*, That the balance of the cost of said irrigation project over and above the amount herein appropriated shall be allotted by the Secretary of the Interior as may be needed and as may be available from time to time from the reclamation fund and collected from the settlers and owners of the land benefited under the provisions of the reclamation act approved June 17, 1902, and acts supplemental thereto or amendatory thereof.

Mr. MANN. Mr. Chairman, I reserve the point of order on the proviso for the purpose of asking the gentleman a question. I have talked with the gentleman from Iowa about this, and I understand something about it. I would like to ask the gentleman whether in his opinion there is any possibility of compelling the payment of the entire cost of this work out of the reclamation fund if this appropriation should now be stricken out?

Mr. TAWNEY. If you read the proviso—

Mr. MANN. Well, this carries an appropriation of a million dollars for the construction of this dam in connection with the Rio Grande, and the proviso provides the balance shall be paid out of the reclamation fund. What I wish to ask the gentleman is whether the United States Government—and I am sure they have given careful study to the subject—whether there is any possibility of compelling the payment of the cost of all of this work out of the reclamation fund, instead of a part out of the National Treasury?

Mr. TAWNEY. Well, I will say to the gentleman from Illinois that is a very difficult question to answer. The committee considered the matter very carefully.

Mr. MANN. I do not wish to detain the House very long. I wish the gentleman's opinion very briefly.

Mr. TAWNEY. The Geological Survey has made this apportionment, or rather the Department of the Interior and the Department of State. All that we could possibly do was by affirmative legislation or declaration, and say that the balance of this money and the balance of the cost of this construction must be paid out of the reclamation fund. Now, it is for Congress in the future, if a demand comes from the Reclamation Bureau for an appropriation in addition to this \$1,000,000, to simply refer to this provision, and they have promised to build the rest out of the fund or to charge the balance to the land, or refuse the appropriation.

Mr. MANN. The gentleman thinks this is the best possible provision we can get for the protection of the Treasury?

Mr. TAWNEY. Absolutely; it is the only protection I can conceive of. This leaves a future appropriation, if one is asked for, entirely in the hands of Congress.

Mr. MANN. I supposed when the irrigation act was passed that that ended specific appropriations out of the Treasury for irrigation purposes.

Mr. TAWNEY. I think that is the general impression in the House, but we did not know that there was about \$33,000,000 of alleged claims filed in the State Department which would be used as the basis of a convention between the United States and Mexico, whereby the Government of the United States would obligate itself to give to the people of Mexico 60,000 acre-feet of water every year.

Mr. MANN. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

Court-house and jail, Nome, Alaska: For the erection of a court-house and jail at Nome, Alaska, \$30,000, to be immediately available, and the \$10,000 appropriated by the sundry civil act of June 30, 1906, for the erection of a jail and repairs to the court-house at Nome,

Alaska, is hereby made available for the erection of the new building herein provided for, and the Secretary of the Treasury is authorized to turn over to the Department of Justice, as a site for the erection of this building, so much of the reservation at Nome, Alaska, under the control of the Treasury Department as may be necessary for a proper site and grounds for the new building; to be expended under the direction of the court of the second division of the district of Alaska, subject to the approval of the Attorney-General.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment.

The CHAIRMAN (Mr. CRUMPACKER in the chair). The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 162, in line 6, strike out the word "thirty" and insert in lieu thereof the word "twenty."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith notwithstanding, \$92,000, of which not exceeding \$200 may be expended for law books and books of reference.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee whether or not there is a probability that this Commission will ever complete its work.

Mr. TAWNEY. I will say to the gentleman that it is the judgment of the committee that if the limitations that are written into this appropriation bill becomes a law it will come to an end very much quicker than it otherwise would.

Mr. CAMPBELL of Kansas. What is the work that is being done by the Commission? Are they doing anything besides drawing their salaries?

Mr. TAWNEY. They are denying and rejecting a great many claims. It may be said to the credit of the Commission that they are not passing favorably upon a great many, but pass unfavorably upon a great many.

Mr. MANN. They are disposing of all the claims as rapidly as they come to an issue, I may say to the gentleman. The principal difficulty has been to take testimony and get the case to an issue.

Mr. TAWNEY. The principal difficulty is the getting of the testimony taken, the testimony of the claimant or the Government.

Mr. SMITH of Iowa. I think the provision in the next paragraph of the bill will dispose of three-fourths of the cases in ninety days, if it passes the House and the Senate.

Mr. MANN. I think I can tell the gentleman what the difficulty is. The Commission has made a certain ruling in regard to the liability of the Government that is adverse to a large number of claims. The attorneys for the claimants have therefore persistently declined to bring their cases to an issue for the purpose, if possible, of getting a decision in some other way, from some court which would allow these claims. The Commission is without the power to compel them to put these claims to issue, and so they have tried to dispose of them.

Mr. CAMPBELL of Kansas. It was stated a year ago that the work ought to be completed in at least a year from that time. Now I see that this appropriation contemplates at least another year in salaries for the Commissioners and other officers.

Mr. MANN. The reason I give the gentleman is the absolutely correct reason. The great majority of these claims are based upon a certain proposition as to the liability of the Government. The Commission, in deciding a case, decided that the Government was not liable. The attorneys of the claimants, knowing that if they put their claims to issue and have the claims determined will have them determined adversely to that ruling, are holding back their claims for the purpose of endeavoring to get a decision from the court somewhere which would overturn the decision of the Commission.

And the provision in the bill, on which I congratulate the committee in reporting, fixes it in such a manner that these claims must be prosecuted, and they must put up the money so that they can be prosecuted. The gentleman understands that the Government so far pays all the cost of taking the testimony in these cases.

Mr. CAMPBELL of Kansas. On both sides?

Mr. MANN. On both sides.

Mr. CAMPBELL of Kansas. It is difficult to understand why the Government should pay the expenses of a claimant to get testimony against it in this class of cases.



Mr. SMITH of Iowa. I would like to say to the gentleman from Kansas the explanation of the gentleman from Illinois is correct, but I think this additional statement might be given. As long as the Government is willing to pay for taking all the testimony of the claimants in cases of that kind before this Commission, these gentlemen, who realize that under the precedents they are doomed to defeat, are still willing to go on and take their testimony, as it does not cost them anything; and if they do not succeed, as suggested by the gentleman from Illinois, in gaining a reversal of the decision of the Commission or an act of Congress that will give them some relief, they will at least have secured a permanent record of the evidence for one hundred years to come, so that they or their descendants may knock at the doors of Congress and ask for relief and claim that the record is in their favor.

Mr. MANN. I will say to the gentleman the information I got of this I did not receive from the Commission, but have received by talking to a number of attorneys of claimants, who have bitterly complained of the ruling of the Commission and have stated that so long as they could prevent it they never would bring their claims to an issue until they got a ruling reversing the decision of the Commission by some court.

Mr. CAMPBELL of Kansas. I am hoping that the legislation proposed on this bill will result in terminating this Commission. I would like to see one commission or bureau that was started for the purpose of doing a particular work terminate some time.

Mr. MANN. I think the provision made by the Committee on Appropriations is one of the most brilliant flank movements that I have ever heard of. [Laughter.]

Mr. CAMPBELL of Kansas. I congratulate the committee.

The Clerk read as follows:

Spanish Treaty Claims Commission: For expenses of taking testimony abroad, \$25,000: *Provided*, That no part of this appropriation shall be available unless the said Spanish Treaty Claims Commission shall, within sixty days from the passage of this act, ascertain the average cost of taking the claimant's evidence, including cross-examination of claimant's witnesses, in all cases heretofore tried, which average shall be computed by first ascertaining the average cost of taking evidence, per page, by dividing the whole sum expended from appropriations under this head by the total number of pages of evidence taken in all cases and multiplying this cost per page by the number of pages of claimant's evidence taken in cases heretofore tried and dividing this by the number of cases so tried, and having so ascertained the average cost of taking claimant's evidence shall, by rule, require every claimant to pay, in the first instance, the cost of taking his evidence at such average price per page, and to deposit with the clerk of the Commission within thirty days, for the purpose of paying such costs, the amounts so found to be the average cost of taking claimant's evidence, and that upon failure of any claimant to make such a deposit within the time so limited, his claim shall be dismissed with prejudice.

Mr. CANDLER. Mr. Chairman, I make the point of order against this proviso, beginning on line 13 to the end of the paragraph.

Mr. SMITH of Iowa. It is not subject to the point of order. It is an express limitation on the appropriation, and it does not require anything to be done.

Mr. CANDLER. I will submit to the Chair for a ruling on it. It is clearly legislation and contrary to the statute to-day.

Mr. SMITH of Iowa. Oh, no. There is no statute on the subject.

Mr. CANDLER. There is a statute.

Mr. SMITH of Iowa. Oh, no; not at all.

Mr. CANDLER. My information is that there is an act of Congress. That comes to me from a source that I understand to be accurate.

Mr. SMITH of Iowa. I know the gentleman is sincere, but there is no statute, and it is a limitation.

Mr. PARKER. Mr. Chairman, I want to say a word on the point of order. In the latter part of the proviso it is provided that unless the claimant pays a certain amount of money within thirty days his claim shall be dismissed with prejudice. That certainly is legislation, contrary to existing law, and is amenable to the point of order.

Mr. SMITH of Iowa. That is not the provision at all. The limitation is that this appropriation shall not be available unless a certain specific rule is made, which is entirely optional with the Commission to adopt; and if it is adopted it does not provide for the dismissal of the claim.

Mr. PARKER. It says if the parties do not pay the amount fixed by this Commission their claims shall be dismissed.

Mr. SMITH of Iowa. It does not say that.

Mr. PARKER. Then what does it say?

Mr. SMITH of Iowa. It says that the appropriation shall not be available unless they comply with the rule which may be made by the Commission. It simply means that the appropriation will not become available if the rule is not made.

Mr. PARKER. I do not see it that way.

Mr. SMITH of Iowa. It involves the same principle as was

involved in the question of the State Homes and the National Homes.

Mr. PARKER. There is no such rule. It says that no part of the appropriation shall be available unless the said Spanish Treaty Claims Commission shall, within sixty days from the passage of this act, ascertain the average cost of taking the claimant's evidence; then it shows how to do it, and then it goes on to say that the claimant must pay in the first instance the costs of taking his evidence and to deposit the money with the clerk of the Commission within thirty days.

Mr. SMITH of Iowa. No; it says that the Commission shall by rule require every claimant to pay these advance costs.

Mr. PARKER. Having ascertained this cost of taking claimant's evidence, it shall by rule order the claimant to pay the costs, or else his claim shall be dismissed.

Mr. SMITH of Iowa. And the money is not available unless they adopt such a rule, but it is available if they do.

Mr. PARKER. It seems to me this is a very roundabout way of reaching a result.

Mr. CANDLER. Is it optional with the Commission?

Mr. SMITH of Iowa. Yes.

Mr. MANN. They are not required to spend the money for taking the testimony if they do not want to.

The CHAIRMAN (Mr. CRUMPACKER). The question is a very close one, but this is a limitation in form, and therefore the Chair overrules the point of order.

Mr. CANDLER. Then I move to strike out the proviso. When this Spanish Treaty Claims Commission was created and cases were filed before it, the number of cases presented amounted to 542. They have disposed of 342 cases, leaving yet to be disposed of by this Commission 200 cases. Upon the recommendation of the Commission it was provided that the Government should pay the expense of taking the testimony for the claimant, with the exception of the payment of the witness fees. I see the gentleman from Iowa [Mr. SMITH] shakes his head, and therefore I will read it. In the Commission's letter to the President, dated April 7, 1906, it is said that liberal arrangements were made to pay for the interpreters, commissioners, and stenographers, leaving only the witness fees to be paid by the claimants.

Now, the only reason why I make this motion is because the Government did assume certain responsibility in reference to these claims. It provided a forum in which they could be tried. They invited the claimants to present their claims in this form for consideration. They went further and provided that they would pay for the taking of this testimony, the interpreters, commissioners, and stenographers, but that claimants should pay the witness fees. Having tried and disposed of 300 cases under that provision, is it now just and right to the remaining 200 cases to require them to assume greater burdens than were imposed upon those whose cases have already been disposed of?

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. CANDLER. With pleasure.

Mr. CAMPBELL of Kansas. Does the gentleman happen to have any information as to how many cases of those 300 that have been disposed of were tried and argued either upon the law or facts?

Mr. CANDLER. I could not tell you accurately.

Mr. SMITH of Iowa. The majority of them were Maine cases.

Mr. CANDLER. Quite a number were argued. The exact number I do not know.

Mr. CAMPBELL of Kansas. I understand not to exceed seven or eight.

Mr. CANDLER. Oh, yes; a much greater number than that.

Mr. CAMPBELL of Kansas. Is it not a fact that not to exceed ten or fifteen cases have been argued, either upon questions of law or fact, within the last seven or eight years?

Mr. CANDLER. I can not give the gentleman the information he wishes.

Mr. CAMPBELL of Kansas. That is my information.

Mr. CANDLER. All I know I get from the report of the Commission, in which they state that 542 cases were filed before them, and that they have tried and disposed of 342 cases, leaving 200 yet to be disposed of. I think those 200 are entitled to the same consideration at the hands of the Government as the 342 that have been disposed of, and I do not believe an additional burden should be placed upon them.

Then there is one other question, that they require this deposit to be made within thirty days, and unless the deposit is made within thirty days the case shall be dismissed with prejudice. That means that they can not come back into court. I do not believe that is sufficient time.

Mr. SMITH of Iowa. They have three months.

Mr. CANDLER. It says that they shall deposit the money with the clerk of the Commission within thirty days.

Mr. SMITH of Iowa. And the Commission has sixty days in which to promulgate the rule.

Mr. CANDLER. Some of the claimants live in Cuba and in other countries, and can not be communicated with promptly. All the claimants should be given the same treatment at the hands of the Government, and we should not treat 342 one way and then impose additional burdens on the 200 whose cases yet remain to be disposed of.

Mr. SMITH of Iowa. Mr. Chairman, the Spanish Treaty Claims Commission, without any action of Congress or any statute as a basis for it, proceeded to adopt the most extraordinary rule ever heard of in any tribunal of a judicial character. It provided that the Government of the United States should pay not only its own costs, but all the costs of commissioners, interpreters, and stenographers to take the claimants' evidence in an attempt to prove claims against the United States. The result was not especially obnoxious until now, when it appears that men whose claims are already defeated in this Commission by the establishment of precedents conclusive as to their determination are still willing, if the Government of the United States will pay the costs, to take their testimony, or at least pretend that they want to take their testimony, so as to delay the matter, and this committee thought that this Commission should not be kept going forever at a cost of something like \$200,000 a year in order that these gentlemen may, at the Government expense, make up a record on which they and their descendants may appeal from time to time to the Congress of the United States for generations yet to come for the payment of claims rejected by the Spanish Treaty Claims Commission.

The law required that the claimants should file their claims within a specific time or the claims would be forever barred. Consequently if these claims are dismissed their rights are terminated, and that is why it says that they shall be dismissed with prejudice, because no claims could be filed hereafter, they being barred.

The purpose was to enact the rule that prevails in every court of justice that the claimants must pay the expense in the first instance of their own witnesses and the taking of their own testimony.

Mr. FITZGERALD. If that rule had prevailed from the beginning, would the Spanish Treaty Claims Commission be in existence now?

Mr. SMITH of Iowa. I think not; and if any Member wants to end this Commission, he ought to vote for this provision of law.

Mr. SULLIVAN. Mr. Chairman, I move to strike out the last word. As a member of the subcommittee, I do not intend to oppose the action of the committee; but I have felt that I ought to make a brief statement concerning this rule. If this rule had been adopted in the beginning, no one could have doubted its justice. I think its justice can be seriously doubted now after so long a period of time has elapsed and after so many cases have been tried.

There is no doubt that the rule will accomplish a useful purpose, because, unquestionably, it will wind up the Spanish Treaty Claims Commission, which is "a consummation devoutly to be wished." I wish, however, that we had wound it up in another way. A year ago I sought to get a bill passed abolishing the Commission and transferring its jurisdiction to the Court of Claims, which is a permanent tribunal, constantly deciding questions of international law, and splendidly equipped to do justice between the Government of the United States and the claimants.

It is my own opinion that the rules of decision laid down by this Commission were not sound as a matter of international law, and that they have operated to do injustice to the claimants. The claimants, believing that they could not succeed under the rules of decision laid down by the Commission, have sought by every practice to avoid taking their evidence and perfecting their cases and bringing them to an issue, and so the claimants have been playing back and forth, seeking to get an appeal to some other court. A bill providing for a writ of certiorari from the Spanish Treaty Claims Commission to the Supreme Court has been pending in Congress. I believe it was reported by one branch at one time, but failed to pass. They have been hoping to get a writ of certiorari so that the decision of the Claims Commission could be reviewed. If they do not succeed in getting that writ unquestionably the labors of this Commission will be brought to an end within six months after the adjournment of this Congress. I am glad to have the work of the Commission ended, but I am extremely sorry that in

bringing it to an end we have done substantial injustice to the claimants where we assumed an obligation under the treaty with Spain to do justice to them.

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. CAMPBELL of Kansas. Does not the gentleman think that the measure of injustice that may be done by this rule has been more than mitigated by the great and unprecedented concession which has been made by the Government in paying for the testimony that has been taken in their cases?

Mr. SULLIVAN. No; I regard the payments by the Government for the taking of the testimony in the light of a Barmecide feast. The Government has invited these claimants to come to its banquet; it has spread its board and put upon the table fine linen and shining glass, but it has procured for them no viands to eat. The Government has provided for the taking of the testimony and then provided the Commission which adopted a rule that excluded the claimants from any possibility of success.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the amendment was rejected.

Mr. SMITH of Kentucky. Mr. Chairman, I ask now to return to page 126, for the purpose of offering the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent—

Mr. TAWNEY. Mr. Chairman, that section to which the gentleman from Kentucky refers in his amendment was passed without prejudice, and it does not require unanimous consent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as a new section after line 7, page 126, the following:

"Lincoln memorial shaft or tablet: To aid in the construction of the Abraham Lincoln memorial shaft or tablet at Hodgenville, Ky., to be paid to the chairman of the commission appointed by the governor of the Commonwealth of Kentucky under an act of the general assembly of that State approved March 16, 1906, the sum of \$10,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For payment of salaries, fees, and expenses of United States marshals and their deputies, \$1,300,000, to include payment for services rendered in behalf of the United States or otherwise. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursements shall be made prior to July 1, 1907, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1907 or prior years: *Provided*, That the salaries of the United States marshals for the eastern and western districts of the State of Oklahoma shall be at the rate of \$4,500 each for the fiscal years 1907 and 1908.

Mr. MACON. Mr. Chairman, I make a point of order against the proviso of the paragraph at the bottom of page 168.

The CHAIRMAN. The gentleman from Arkansas makes the point of order to the proviso in the paragraph beginning at line 21.

Mr. TAWNEY. What is the ground of the point of order?

Mr. MACON. That it increases the salaries of officers.

Mr. TAWNEY. Well, Mr. Chairman, perhaps it is subject to the point of order, but I desire first to state to the gentleman from Arkansas that if this proviso is not added, and Oklahoma comes into the Union before the end of the next fiscal year before Congress convenes, there will be no provision whatever for the organization of the district attorney's office and no provision whatever for the payment of the marshal's or the district attorney's salaries. It is in anticipation—

Mr. MACON. Mr. Chairman, I do not know of any marshals in Arkansas who are receiving the sum of \$5,000 per annum, and I do not know why Oklahoma's marshals should have preference over them in the matter of salary.

Mr. TAWNEY. The committee was influenced by the fact—

Mr. MACON. If the gentleman will make the salary \$4,000, just the same as other marshals are getting, I will withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, I would say that it is contemplated that the work in the State of Oklahoma both of the district attorney and of the marshal at first, at least for several years, until the rights of the Indians are fully settled, will be infinitely greater than the work of the marshals and the district attorneys in the State of Arkansas. If the gentleman wants to make the point of order he can.

The CHAIRMAN. The point of order is sustained.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word—

Mr. MACON. But the last word is already out.



Mr. GAINES of Tennessee. Maybe I can show to my good friend from Arkansas that while he is perfectly sincere in making his objection there are reasons why the salary ought to be different. Arkansas has been a good State of this Union for a long, long time. There are no Indians in it that I know of—

Mr. CAMPBELL of Kansas. Except good ones.

Mr. GAINES of Tennessee. If there are, they are good ones. There are Indians in Oklahoma. It is a new country.

Mr. SHACKLEFORD. In Arkansas the marshals get \$4,000 per year, and that means for their entire time.

Mr. GAINES of Tennessee. I don't know anything about that.

Mr. SHACKLEFORD. Ordinarily the marshal gives his time for the salary.

Mr. MANN. I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. TAWNEY. Mr. Chairman, there is no last word to that paragraph. It is out of the bill, is it not?

The CHAIRMAN. The point of order has been sustained to a portion of the paragraph only. The gentleman will proceed.

Mr. GAINES of Tennessee. Mr. Chairman, I do not know anything about Indians in Arkansas. I never heard of any of them in a long time, and I am sure that none of them are ever sent to Congress. Here is Oklahoma; it is a Territory that is full of lawless people, compared to Arkansas and Tennessee and any other old State.

It has many Indians in it, it is a new country, and the marshal will have more dangerous work to do and will have more work to do, so I think that if \$4,000 is paid an attorney in Arkansas, it is worth \$4,500 in the Territory of Oklahoma, soon to be a State, and that is why I hope my friend will withdraw his opposition.

Mr. MACON. I will say to the gentleman that I can not consent to do so.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn. The Clerk will read.

Mr. MACON. Mr. Chairman, I thought I had the floor.

The CHAIRMAN. The gentleman from Arkansas.

Mr. MACON. I am a Christian when it comes to opposing increases of salaries on appropriation bills. I know that if these salaries are fixed at \$4,500 that will be \$500 more than the marshals in my own State are receiving—

Mr. GAINES of Tennessee. But you have no Indians.

Mr. MACON. Wait until I get through. There will be a time in the nature of things, perhaps, when Oklahoma will become as civilized as Tennessee, as Arkansas, or any other State in the Union, and then her officers should not receive higher salaries than officers of other States; but if they are fixed higher now, they will not be reduced then, and gentlemen know it, I dare say, and I say that within the history of the life of the gentleman from Tennessee he has never known where a salary was once fixed for an officer of this Government and afterwards reduced because of changed conditions. They are always increased—not reduced. [Applause.]

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, \$460,000: *Provided*, That this appropriation shall be available for the payment of the salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the offices of the United States district attorney: *Provided*, That the salaries of the United States attorneys for the eastern and western districts of the State of Oklahoma shall be at the rate of \$5,000 each for the fiscal years 1907 and 1908.

Mr. MACON. I make a point of order against the proviso in the paragraph just read.

Mr. SMITH of Iowa. There are two provisos. The gentleman means the last one?

Mr. MACON. Yes.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

All laws fixing the annual salaries of the United States attorney for the southern district of New York, and of assistants in his office, shall hereafter apply in all respects to and be construed as fixing the annual salaries of the United States attorney for the northern district of Illinois, and of assistants in his office.

Mr. MACON. Mr. Chairman, I make a point of order against the paragraph just read. I do not like to see salaries fixed that way.

Mr. MANN. Mr. Chairman, will the gentleman reserve his point of order for a moment?

Mr. MACON. I will reserve the point of order; yes.

Mr. MANN. Mr. Chairman, I may say to the gentleman I understand the reason for this item is this: A great deal of work

in connection with the prosecution of the antitrust laws and violations of interstate-commerce laws is now being carried on at Chicago, the northern district of Illinois.

Under the law as it now stands the assistant district attorneys in the city of New York are not limited to salaries of \$2,500. In Chicago they are limited to salaries of \$2,500. It is impossible in the city of Chicago to obtain and keep assistant district attorneys who are qualified to do the antitrust work and violations of interstate-commerce law work for that price. The result of that is that these attorneys are employed out of the trust fund by the Government without being under the control of the district attorney, and the purpose of this amendment is that these assistant attorneys shall be under the control of the district attorney, so that that office shall be engaged in the prosecution of these violations. There are now pending prosecutions against the Standard Oil Company at the office in Chicago some three thousand and more counts in eight different items. It requires expert work to try those cases. The attorney for the defense, I will say to my friend from Arkansas, in that case receives a salary of \$100,000. It can not be expected that assistant district attorneys can be obtained sufficient to cope with these tried and expert criminal lawyers at a salary of \$2,500, and the only purpose of this is to permit the district attorney to increase the salaries of these assistant attorneys under his control, to place them under the control of the assistant district attorney. It is distinctly in the interest. I may say to my friend, of the prosecution of persons violating the antitrust and interstate-commerce laws. If it were not for that distinctive purpose, I would not ask the gentleman, if he can see his way, to withdraw the point or order.

Mr. MACON. In reply to the gentleman from Illinois [Mr. MANN], I will say that I never knew an honest and conscientious officer that would not discharge the duties of his office for a small salary just as efficiently as he would for a large one, if he assumed the obligation.

Mr. MANN. I fully agree with the gentleman.

Mr. MACON. I never understood that the salary had anything to do with the efficient discharge of the duty if the officer assumed an obligation to perform the duty.

Mr. MANN. The gentleman is perfectly correct. I fully agree with him in his statement. But this is the point. You can not obtain in the city of Chicago experienced attorneys as assistant district attorneys at a salary of \$2,500 to cope with these big cases. Why, Mr. Chairman, the district attorney's office has lost a number of assistant district attorneys in the last two or three years because they have gone out and obtained a \$5,000 or a \$10,000 salary. Now, all that is expected here is to pay a reasonable salary; but you can not try these cases on this basis.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SULLIVAN. Mr. Chairman, I desire to be recognized.

Mr. TAWNEY. Regular order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Arkansas insist upon his point of order?

Mr. MACON. I do.

Mr. SULLIVAN. The gentleman has stated that he will reserve his point of order for two or three minutes longer, and I ask that the Chair recognize me in my own right.

The CHAIRMAN. Regular order has been demanded, and that is equivalent to an objection. The point of order has already been sustained, and the Clerk will read.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, \$4,000; deputy warden, \$2,000; chaplain, \$1,500; chief clerk, \$1,800; physician, \$1,600; bookkeeper and record clerk, \$1,200; stenographer, \$900; six clerks, at \$900 each; telephone operator, \$480; engineer and electrician, \$1,500; assistant engineer and electrician, \$1,200; two captains of watch, at \$1,000 each; steward and storekeeper, \$900; superintendent of farm and transportation, \$900; two teamsters, at \$600 each; cook, and baker, at \$720 each; guards, at \$70 per month each, \$26,000; in all, \$49,220.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 179, in line 7, strike out the words "forty-nine thousand two hundred" and insert in lieu thereof "fifty-four thousand."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MACON. Mr. Chairman, I ask unanimous consent to return to page 169.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] asks unanimous consent to return to page 169. For what purpose?

Mr. MACON. I do that for the purpose of withdrawing a point of order that I made upon the last paragraph on that page.

Mr. BABCOCK. Mr. Chairman, I object.

The Clerk read as follows:

In all, \$124,420.

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 179, in lines 10 and 11, strike out "\$124,420" and insert "\$129,220."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Parliamentary precedents: That there be printed and bound 2,500 copies of Hinds's Precedents of the House of Representatives of the United States, with reference to such cases of procedure in the United States Senate as may be useful in connection therewith, and also with reference to such laws of Congress as may relate to the House of Representatives and its membership, the said compilation to be of the typographical style, size of page, and style of indexing used in House Document No. 576, second session Fifty-fifth Congress, known as "Parliamentary Precedents of the House of Representatives of the United States," and to be divided into volumes each approximately of the size of the said House Document No. 576. The sets of volumes of the said work shall be distributed as follows: Three sets to each Representative, Delegate, and Senator in the Fifty-ninth Congress and three sets to each Representative, Delegate, and Senator in the Sixtieth who is not a member of the Fifty-ninth Congress; one set to each committee room of the House and Senate; ten sets to the Library of Congress; ten sets each to the House and Senate libraries; 500 copies for distribution to the State and Territorial libraries and designated depositories as in the case of documents printed under section 54 of the act approved January 12, 1895 (28 Stat. L., 608); and the residue to the folding room of the House, to be distributed subject to the direction of the Speaker of the House. The said compilation shall be made by Asher C. Hinds, who shall also prepare a complete index digest thereto, and supervise the printing thereof. The sum of \$20,000 is hereby appropriated, to be available for payment to said Asher C. Hinds when the printing of the work under his supervision shall have been completed, the same to be in full payment for said work, except the cost of printing and binding the same. The plates used in printing said work shall be the property of the Government and shall be preserved for such future use as may be hereafter authorized.

Mr. MANN. Mr. Chairman, I wish to offer an amendment.

The Clerk read as follows:

On page 183, after line 16, insert:

"House of Representatives office building: For maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services, \$30,000. And the said office building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Superintendent of the Capitol Building and Grounds, subject, until said building is completed, to the approval and direction of the Commission appointed under the sundry civil appropriation act approved March 3, 1903, to supervise the construction of said building; and such control and supervision by the Superintendent of the Capitol Building and Grounds shall be and continue after the completion of said building, and not later than July 1, 1908, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representative in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Superintendent of the Capitol Building and Grounds shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said Superintendent in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building. The assignment of rooms in said building to and for the official use of Representatives shall be by such method as the House of Representatives may hereafter from time to time determine."

Mr. TAWNEY. Mr. Chairman, I have a letter here from the superintendent of the Capitol in respect to the subject-matter of this amendment. I would like to have it printed in the Record in connection with the amendment offered by the gentleman from Illinois.

The letter is as follows:

HOUSE OFFICE BUILDING—APPROPRIATIONS AND REPORTS.

OFFICE BUILDING, HOUSE OF REPRESENTATIVES,

Washington, D. C., February 23, 1907.

HON. JAMES A. TAWNEY,

Chairman Committee on Appropriations,  
House of Representatives.

SIR: I am sorry that my report on the House office building, made to the House Commission under date of December 1 last, was not printed prior to the discussion on the floor the other evening. It would have shown the preliminary difficulties encountered before the construction of the building could proceed. It would have pointed out the fact that the twin tunnel of the Pennsylvania Railroad runs under the eastern portion of this building, and that the foundations of the building could not proceed until this construction was out of the way; and

that our building foundations were of extraordinary character ever and surrounding this tunnel and could only proceed with watchfulness and care and some delay. Further, that the actual construction could not begin until April 12, 1905, that the foundations of the building were completed and the first brick laid on July 5, 1905, and that the setting of stone began in August, 1905. It is, therefore, a year and ten months since the actual construction began, and the results should speak for themselves. The amount of extraordinary foundations required on account of the presence of the tunnel exceeded in volume and cost the ordinary foundations of the building.

It should also be borne in mind that the progress of a building of this character is limited to the progress of the exterior stonework, and that the contract entered into on the authority of the House Commission, among other things, was based upon the low time limit given by the bidder—May 1, 1907.

The character of construction adopted in the House office building should not be placed in comparison with the ordinary office-building construction, as the general character and arrangement of the materials used in office-building construction allows a very rapid progress, and the progress in construction of this building should be compared with buildings of its type.

I am free to confess that if the building had been of brick only, or even if it had been constructed with an exterior facing of limestone, a material which is easy to produce in the quarry, that it could have been ready by this time, but marble is a stone which is not so easy to get, especially if chosen with a certain due regard to fine quality and appearance. The stone used in the House building is of a selected quality, and the contract term does not expire until about May 1 next. No doubt the gentlemen are considering the date of the act of authorization and the lapse of period with some annoyance. I think it just to the House Commission and to this office to point out some of the facts which caused the delay in starting the building, and I am anxious that the actual period of time covered by the construction be taken into consideration. I have not hitherto mentioned the delay caused by the condemnation proceedings, which covered a period of time from the passage of the act until October of the year 1903. It was during the spring of 1904 that the houses on the square were torn down. From that time forward until April, 1905, the construction of the Pennsylvania Railway tunnel proceeded through the square, together with the excavation for the building, and as I have already stated, not until the 12th day of April, 1905, were we enabled to commence our foundation construction, owing to the delay caused by the tunnel construction.

Very respectfully,

ELLIOTT WOODS,

Superintendent U. S. Capitol Building and Grounds.

Mr. MANN. Mr. Chairman, just briefly, for the benefit of the House, I will say that the amendment only provides for the regulation and control of the building and does not provide for the distribution of the rooms, leaving that to be done by the next Congress when it meets.

The question was taken; and the amendment was agreed to.

Mr. MACON. Mr. Chairman, I am going to ask the House to give me unanimous consent to return to page 169 of the bill for the purpose of withdrawing a point of order that I made against the last paragraph on that page.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to the third section of page 169, having made a point of order against the section.

Mr. BABCOCK. I withdraw my objection, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. Does the gentleman withdraw his point of order?

Mr. MACON. Yes, sir; I stated that I asked unanimous consent for the purpose of withdrawing the point of order.

The CHAIRMAN. Without objection, the section will be considered as restored to the bill.

Mr. SMITH of Iowa. Mr. Chairman, in connection with the matter under discussion yesterday, in reference to the insane hospital, I ask unanimous consent to print in the Record the appeal of Charity Ann Hoyle from the assessment on the property.

The CHAIRMAN. The gentleman from Iowa asks leave to print a statement in the Record.

Mr. SMITH of Iowa. The appeal in the matter of this land.

The CHAIRMAN. The Chair hears no objection.

The appeal is as follows:

#### APPEAL.

WASHINGTON, D. C., September 15, 1902.

To the Board of Equalization and Review, District of Columbia:

I, Charity A. Hoyle, residing on Hamilton road, Washington County, respectfully appeal from the assessment on the following-described property: Farm of 81.67 acres in plat 28, Hamilton road, in county, assessed at \$200 per acre in the name of Henry J. Hoyle, and request that the assessment be changed to \$100 per acre for the ground, for the reasons set forth in accompanying statement.

CHARITY ANN HOYLE,

Widow of Henry J. Hoyle, Congress Heights, D. C.

The CHAIRMAN. The Chair desires to ask the attention of the gentleman from Arkansas to page 169. The Chair understands two points of order were offered by the gentleman from Arkansas.

Mr. MACON. I made a point of order against the last paragraph on that page.

The CHAIRMAN. The Chair understands. Without objection, the last paragraph will be reinstated in the bill. Is there objection? [After a pause.] The Chair hears none.



The Clerk read as follows:

For the Court of Claims, \$15,000.

Mr. OTJEN. Mr. Chairman, I move to amend, in line 15, by striking out the word "fifteen" and inserting the word "eighteen."

The Clerk read as follows:

Line 15, strike out "fifteen" and insert "eighteen."

Mr. OTJEN. I desire to state that last year we passed a law that requires all the reports and printing to be charged up to the court. Formerly the reports sent here were paid for out of our own funds.

Mr. TAWNEY. I will state to the gentleman from Wisconsin that the Committee on Appropriations now has under consideration the same item in the preparation of the general deficiency appropriation bill. There is no question about it being taken care of, but the committee is not at this time sufficiently advised as to the necessity of increasing the amount for the next fiscal year to accept it. It is a deficiency, and it ought to go on the general deficiency bill. The deficiency arises under the law. The Court of Claims must send their findings to Congress, and under the rules of the House these findings are referred to the appropriate committee and printed automatically, and the cost of the printing is charged up to the Court of Claims. It is something that we can not estimate for. That is how the deficiency arose, and it will be taken care of in the general deficiency bill.

Mr. OTJEN. With that statement I withdraw the amendment.

The Clerk read as follows:

For salaries of members, officers, and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, \$200,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 190, in line 3, strike out the words "two hundred" and insert in lieu thereof the words "one hundred and eighty-four."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the Zone postal service, and from court fees and fines, and collected or raised by taxation in whatsoever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1908, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of \$10,000, to the maintenance of the public school system in the Zone and to public improvements within the Zone. A detailed statement of all receipts and expenditures under this paragraph shall be submitted to Congress after the close of the fiscal year 1908.

Mr. FINLEY. Mr. Chairman, I wish to reserve a point of order on section 2, just read. I should like to ask the chairman of the Committee on Appropriations what is the necessity for this legislation, permitting the money to be expended first and accounted for afterwards?

Mr. TAWNEY. Mr. Chairman, at the present time there is absolutely no authority for the expenditure of the Isthmian Canal receipts for any purpose whatever. It is the purpose and policy of the Commission, so far as the maintenance of schools is concerned, and as far as the maintenance of their courts and their postal system is concerned, to have the cost paid out of the Canal Commission receipts. That is what they are doing at the present time. This will legalize what they have been doing, and we were obliged to do this because of the fact that they have no government there except under the Canal Commission. We authorize them to continue to collect these receipts and to apply them in the manner proposed here, and give to Congress a statement of the total amounts collected, and also a statement of the expenditures that have been made for those purposes which relate peculiarly to the government of the Zone.

Mr. FINLEY. Am I to understand that this proceeding has been going on without any authority of law?

Mr. MANN. If the gentleman from Minnesota will pardon me, I think he is mistaken in reference to the collection of the receipts. The receipts are collected and turned into the Treasury of the United States.

Mr. TAWNEY. I beg the gentleman's pardon; they are not. The Government owns a number of buildings there, and it is proposed to turn the revenue from those buildings over to the school fund in lieu of any other tax.

Mr. FINLEY. I understand the gentleman from Minnesota, the chairman of the Committee on Appropriations, to say that this would legalize what had been done heretofore without authority of law.

Mr. MANN. That is not my understanding of it.

Mr. TAWNEY. If the gentleman will bear with me just a moment I will turn to the hearings, where the general counsel of the Commission went over this matter very fully.

Mr. FINLEY. It is on page 892.

Mr. TAWNEY. Yes; it is on page 892.

Mr. FINLEY. I have read that; but I do not quite understand the necessity for this legislation. Who will have control of the expenditure of this money?

Mr. TAWNEY. The Canal Commission. I read from page 892.

The CHAIRMAN. What are the revenues of the Zone?

Mr. ROGERS. They are estimated at \$160,000 for next year.

Mr. Rogers is the counsel of the Commission.

The CHAIRMAN. All that money is expended for schools?

Mr. ROGERS. No, sir; it is not. Under the plan I recommended, the revenues of the Zone will be appropriated in about the following manner: All of the revenues which are derived from the postal service will be devoted to maintaining the postal service. The schools on the present basis cost about \$30,000, but in the course of the current year will cost very much more than that, because it is our desire to give an education to a large number of white children who are coming in, and also, so far as we can, to the native population, and that cost will probably ultimately rise to the neighborhood of \$50,000. We pay all of that out of the Zone revenues. The balance of the revenues are now collected very largely from the municipalities.

Mr. FINLEY. I have read that.

Mr. TAWNEY. I read this to show that the revenues have heretofore been applied by the Commission in the manner indicated.

Mr. FINLEY. Then the Commission will expend this money?

Mr. TAWNEY. Yes; and account to Congress for the aggregate of the expenditure, and also the purposes for which it was expended in detail.

Mr. LITTLEFIELD. I move to insert after the word "detailed" the words "and classified," in line 3, so that we will get a detailed and classified list of expenditures.

Mr. TAWNEY. I have no objection to that.

Mr. LITTLEFIELD. And then, after "expenditures," I move to insert the words "without the duplication of items." I have had some experience as to that in the Committee on Expenditures in the Department of Agriculture.

Mr. TAWNEY. I have no objection to either amendment.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

After the word "detailed," in line 3, page 194, insert "and classified."

After "expenditures," in line 4, page 194, insert "without the duplication of items."

The amendments were agreed to.

The Clerk read as follows:

SEC. 4. That \$100,000 of the said appropriation for the fiscal year 1908, "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For skilled and unskilled labor engaged in the health and sanitation department on the Isthmus of Panama" of the same act; that \$300,000 of the said appropriation "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For miscellaneous expenditures" for the same departments, of the same act; that \$50,000 of the appropriation "For pay of officers and employees other than skilled and unskilled labor on the Isthmus, for the construction and engineering and administration departments," shall be transferred to the appropriation "For pay of officers and employees other than skilled and unskilled labor engaged in the health and sanitation department on the Isthmus," of the same act; and that any unexpended balance of the appropriation in the said bill "To continue the reequipment of the Panama Railroad" may be paid to the Panama Railroad Company to reimburse that company for direct expenditures for equipment and construction: *Provided*, That all expenses so reimbursed shall first be audited in all respects as if disbursed directly under the Commission.

Mr. TAWNEY. Mr. Chairman, on line 13, page 194, I move to strike out the word "eight" and insert the word "seven." This is an error in printing. It should be for the fiscal year 1907.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 13, page 194, strike out the word "eight" and insert the word "seven."

The amendment was agreed to.

The Clerk proceeded and completed the reading of the bill.

Mr. TAWNEY. Mr. Chairman, on the day that we commenced the consideration of the sundry civil bill, owing to some misunderstanding, there was a provision on page 32 that was stricken out on a point of order. Its importance is such that I am constrained to ask unanimous consent to return to page 32, at the top of page, and ask unanimous consent that that provision may be reinserted in the bill.

A MEMBER. What provision is it?

Mr. TAWNEY. It gives the Department the power to lease the buildings back of the post-office building, and also authority and an appropriation for the Department to make the necessary repairs for the occupants.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to turn to page 32. Is there objection? [After a pause.] The Chair hears none. If there be no objection, the paragraph described by the gentleman from Minnesota will be restored to the bill.

There was no objection.

Mr. TAWNEY. Mr. Chairman, that concludes the consideration of the bill, and I move the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker resumed the chair. Mr. WARSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25745, the sundry civil appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be considered in gross.

Mr. BABCOCK. Mr. Speaker, I demand a separate vote on the canteen proposition.

Mr. TAWNEY. I hope, Mr. Speaker, that the gentleman will withdraw that demand. We want to pass the bill this evening, and I have some doubts whether we have a quorum.

Mr. BABCOCK. I will withdraw the demand, Mr. Speaker.

Mr. TAWNEY. Mr. Speaker, I demand the previous question on the bill and amendments to final passage.

The question was taken; and the previous question was ordered.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

#### TRANSFER OF BILL ON CALENDAR.

The SPEAKER. The Chair suggests to the House that House bill 10103 is a public claims bill and should be transferred from the Private Calendar to the Calendar of the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

#### LEAVE OF ABSENCE.

Mr. NEVIN, by unanimous consent, was given leave of absence indefinitely, on account of serious illness in his family.

#### WITHDRAWAL OF PAPERS.

Mr. DENBY, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of J. E. Allen and C. E. Allen, Fifty-eighth Congress, no adverse report having been made thereon.

#### STEPHEN M. HONEYCUTT.

The SPEAKER laid before the House the bill (H. R. 3498) for the relief of Stephen M. Honeycutt, with a Senate amendment.

The Senate amendment was read.

Mr. WILLIAMS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### RATIFYING ACT OF THE ASSEMBLY OF ARIZONA.

The SPEAKER laid before the House the bill (S. 8451) ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz., a similar House bill being on the Calendar.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That chapter 58 of the session laws of the twenty-third legislative assembly of the Territory of Arizona, providing for the repair of the Territorial bridge at Florence, Ariz., approved March 16, 1905, be, and the same is hereby, ratified and approved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WILLIAMS, a motion to reconsider the last vote was laid on the table.

A similar House bill (H. R. 8969) was laid on the table.

The SPEAKER. The gentleman from Michigan [Mr. DENBY] will act as Speaker pro tempore for the session to-morrow.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 25601. An act to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson;

H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes;

H. R. 14464. An act for the relief of Wiley Corbett;

H. R. 25513. An act extending the time for making final proof in certain desert-land entries;

H. R. 2926. An act for the relief of the heirs of John Smith;

H. R. 5169. An act for the relief of W. B. Sutter;

H. R. 25475. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906;

H. R. 12858. An act permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest; and

H. J. Res. 223. Joint resolution relating to the holders of medals of honor.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6140. An act granting an increase of pension to Julia A. Birge;

S. 6177. An act granting an increase of pension to Louisa Anne Morton;

S. 6663. An act granting an increase of pension to Thomas M. Chase;

S. 6245. An act granting an increase of pension to Susan Mahany;

S. 6281. An act granting an increase of pension to Joseph C. Bowker;

S. 6319. An act granting an increase of pension to Angus Fraser;

S. 6380. An act granting an increase of pension to Josiah B. Kinsman;

S. 6467. An act granting an increase of pension to John M. Smith;

S. 6127. An act granting an increase of pension to John R. Callender;

S. 6475. An act granting an increase of pension to Harvey Key;

S. 6518. An act granting an increase of pension to William H. Stiles;

S. 6531. An act granting an increase of pension to Francis A. Dory;

S. 6567. An act granting an increase of pension to George C. Gibson;

S. 6570. An act granting an increase of pension to George W. Cole;

S. 6910. An act granting an increase of pension to George F. Chamberlin;

S. 6606. An act granting an increase of pension to Alexander Sholl;

S. 6652. An act granting an increase of pension to Hiram H. Lockwood;

S. 6093. An act granting a pension to Hester A. Collier;

S. 6044. An act granting an increase of pension to John H. Arnold;

S. 6103. An act granting an increase of pension to William P. Visgor;

S. 5992. An act granting an increase of pension to Franklin Craig;

S. 5970. An act granting an increase of pension to Julia A. Horton;

S. 5981. An act granting an increase of pension to John H. La Vaque;

S. 12. An act granting an increase of pension to Nancy Littlefield;

S. 6076. An act granting an increase of pension to John McKnight;

S. 6078. An act granting an increase of pension to Elijah B. Hudson;

S. 161. An act granting an increase of pension to Ruth E. Rogers;

S. 6634. An act granting an increase of pension to John P. Murray;

S. 6635. An act granting an increase of pension to John A. Morris;

S. 6672. An act granting an increase of pension to Hannah Peavey;

S. 6702. An act granting an increase of pension to Charles E. Du Bois;

S. 6711. An act granting an increase of pension to Harvey B. F. Keller;

S. 6713. An act granting an increase of pension to James L. Short;

S. 6724. An act granting a pension to Mary W. Granniss;



S. 6726. An act granting an increase of pension to Mary A. Jackson;  
 S. 6731. An act granting an increase of pension to Elizabeth H. Rice;  
 S. 6734. An act granting an increase of pension to John C. Snell;  
 S. 6768. An act granting an increase of pension to John E. Hayes;  
 S. 6774. An act granting an increase of pension to James B. Hackett;  
 S. 6818. An act granting an increase of pension to John E. Anthony;  
 S. 6838. An act granting an increase of pension to Samuel Shepherd;  
 S. 6899. An act granting an increase of pension to George H. Nye;  
 S. 6909. An act granting an increase of pension to William H. Adams;  
 S. 6911. An act granting an increase of pension to George A. Boyle;  
 S. 6965. An act granting an increase of pension to Samuel B. T. Goodrich;  
 S. 6969. An act granting an increase of pension to Timothy B. Lewis;  
 S. 6999. An act granting an increase of pension to John Shank;  
 S. 6610. An act granting an increase of pension to Isaac Johnson;  
 S. 6612. An act granting an increase of pension to George H. McClung; and  
 S. 6616. An act granting an increase of pension to Jacob P. Crooker.

# ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2324. An act granting a pension to Christina Vetter;  
 H. R. 5497. An act granting a pension to Cora Allie Booth;  
 H. R. 5774. An act granting a pension to Cornelia Mitchell;  
 H. R. 5926. An act granting a pension to Sarah C. Pitman;  
 H. R. 7255. An act granting a pension to Christopher Horn;  
 H. R. 9445. An act granting a pension to Ida E. G. Pierce;  
 H. R. 10023. An act granting a pension to Martha J. Lewis;  
 H. R. 10164. An act granting a pension to Emma L. Beatty;  
 H. R. 13163. An act granting a pension to Rittie Blackwell;  
 H. R. 15492. An act granting a pension to William L. Tyler;  
 H. R. 16819. An act granting a pension to John V. Sumner;  
 H. R. 16905. An act granting a pension to Anna E. Marble;  
 H. R. 16925. An act granting a pension to Johanne Lange;  
 H. R. 18519. An act granting a pension to Benjamin W. McCray;  
 H. R. 18874. An act granting a pension to Nannie T. Johnson;  
 H. R. 19079. An act granting a pension to Phoebe Templeton;  
 H. R. 20148. An act granting a pension to Floral Fenzl;  
 H. R. 526. An act granting an increase of pension to Robert Cole;  
 H. R. 560. An act granting an increase of pension to Willson M. Holmes;  
 H. R. 561. An act granting an increase of pension to Giles Townsend;  
 H. R. 654. An act granting an increase of pension to Amos J. Loranger;  
 H. R. 1171. An act granting an increase of pension to Alfred Nichols;  
 H. R. 1223. An act granting an increase of pension to Andrew Jarvis;  
 H. R. 1232. An act granting an increase of pension to John V. Buskirk;  
 H. R. 1242. An act granting an increase of pension to Luke Reynolds;  
 H. R. 1377. An act granting an increase of pension to Thomas G. Dallman;  
 H. R. 1474. An act granting an increase of pension to Thomas C. Fisher;  
 H. R. 1574. An act granting an increase of pension to Franklin Sampson;  
 H. R. 1665. An act granting an increase of pension to Frederick E. Hayward;  
 H. R. 1728. An act granting an increase of pension to George C. Vance;  
 H. R. 1767. An act granting an increase of pension to James H. Marcum;  
 H. R. 1838. An act granting an increase of pension to Asa J. Clothier;

H. R. 1851. An act granting an increase of pension to Ralph D. Parsons;  
 H. R. 1890. An act granting an increase of pension to Adam Leak;  
 H. R. 2064. An act granting an increase of pension to Daniel Sullivan;  
 H. R. 2270. An act granting an increase of pension to John Lehn;  
 H. R. 2821. An act granting an increase of pension to Turner J. Preble;  
 H. R. 2905. An act granting an increase of pension to Burr Clark;  
 H. R. 3239. An act granting an increase of pension to George W. Stewart;  
 H. R. 3785. An act granting an increase of pension to Frederick W. Wagner;  
 H. R. 4150. An act granting an increase of pension to John C. McGinis;  
 H. R. 4553. An act granting an increase of pension to William R. Wilkins;  
 H. R. 4757. An act granting an increase of pension to Edward Willis;  
 H. R. 5029. An act granting an increase of pension to Beverly W. Sullivan;  
 H. R. 5050. An act granting an increase of pension to Ephraim M. Boltz;  
 H. R. 5162. An act granting an increase of pension to James F. Travis;  
 H. R. 5202. An act granting an increase of pension to Jennie R. Hunt;  
 H. R. 5388. An act granting an increase of pension to Silas Garrison;  
 H. R. 5627. An act granting an increase of pension to John C. L. Hargis;  
 H. R. 5634. An act granting an increase of pension to John Redding;  
 H. R. 5800. An act granting an increase of pension to Joseph G. Maddocks;  
 H. R. 6206. An act granting an increase of pension to Stephen J. Henning;  
 H. R. 6237. An act granting an increase of pension to David Bethurum;  
 H. R. 6353. An act granting an increase of pension to John Shobert;  
 H. R. 6767. An act granting an increase of pension to Hobart P. Sweet;  
 H. R. 7242. An act granting an increase of pension to Marcus Davis;  
 H. R. 7374. An act granting an increase of pension to Elijah C. Adolotte;  
 H. R. 7554. An act granting an increase of pension to Andrew Cramer;  
 H. R. 7565. An act granting an increase of pension to Orville Dickinson;  
 H. R. 7578. An act granting an increase of pension to Levi Hoskins;  
 H. R. 7634. An act granting an increase of pension to Martha G. Matlack;  
 H. R. 8408. An act granting an increase of pension to Richard Prost;  
 H. R. 8503. An act granting an increase of pension to David C. May;  
 H. R. 8682. An act granting an increase of pension to James P. Bledsoe;  
 H. R. 8770. An act granting an increase of pension to Charles W. Burgess;  
 H. R. 8775. An act granting an increase of pension to Carrie Diefenbach;  
 H. R. 8785. An act granting an increase of pension to John Finch;  
 H. R. 9256. An act granting an increase of pension to Martha E. Sanford;  
 H. R. 9448. An act granting an increase of pension to Thomas B. Hockley;  
 H. R. 9664. An act granting an increase of pension to Edwin C. Durfey;  
 H. R. 9785. An act granting an increase of pension to William A. Lyon;  
 H. R. 9838. An act granting an increase of pension to Joseph Ferguson;  
 H. R. 9850. An act granting an increase of pension to Benjamin F. Williams;  
 H. R. 10212. An act granting an increase of pension to Charles M. Arnold;

- H. R. 10241. An act granting an increase of pension to Joseph M. Parish;  
 H. R. 10301. An act granting an increase of pension to George N. Beymer;  
 H. R. 10431. An act granting an increase of pension to Charles W. Keniston;  
 H. R. 10739. An act granting an increase of pension to N. Delmont McReynolds;  
 H. R. 10889. An act granting an increase of pension to William H. Garrison;  
 H. R. 10935. An act granting an increase of pension to Annie L. Boone;  
 H. R. 11198. An act granting an increase of pension to Emanuel Sandusky;  
 H. R. 11285. An act granting an increase of pension to William Kirkpatrick;  
 H. R. 11621. An act granting an increase of pension to Hollis Smith;  
 H. R. 11845. An act granting an increase of pension to William J. Clark;  
 H. R. 11848. An act granting an increase of pension to George E. York;  
 H. R. 11995. An act granting an increase of pension to Wesley Layton;  
 H. R. 12240. An act granting an increase of pension to Albert J. Ackerley;  
 H. R. 12344. An act granting an increase of pension to Andrew J. Sproul;  
 H. R. 12346. An act granting an increase of pension to Abraham D. Stouffer;  
 H. R. 12349. An act granting an increase of pension to Edgar M. Barber;  
 H. R. 12353. An act granting an increase of pension to Jacob Little;  
 H. R. 12563. An act granting an increase of pension to Andrew L. Hook;  
 H. R. 12580. An act granting an increase of pension to Charles E. Youtt;  
 H. R. 12631. An act granting an increase of pension to James E. Leslie;  
 H. R. 12969. An act granting an increase of pension to Alexander Buck;  
 H. R. 13012. An act granting an increase of pension to Charles L. Cole;  
 H. R. 13133. An act granting an increase of pension to Gilbert W. Clark;  
 H. R. 13334. An act granting an increase of pension to Erastus A. Doe;  
 H. R. 13810. An act granting an increase of pension to Abraham J. Simmons;  
 H. R. 13816. An act granting an increase of pension to Thomas McPeck;  
 H. R. 13963. An act granting an increase of pension to William H. Turner;  
 H. R. 14104. An act granting an increase of pension to Milton Brown;  
 H. R. 14228. An act granting an increase of pension to Abram Nussbaum;  
 H. R. 14244. An act granting an increase of pension to Edwin R. Phillips;  
 H. R. 14779. An act granting an increase of pension to Willard Wheeler;  
 H. R. 15241. An act granting an increase of pension to Samuel De Haven;  
 H. R. 15452. An act granting an increase of pension to Solomon Stanfield;  
 H. R. 15543. An act granting an increase of pension to George W. Maynard;  
 H. R. 15688. An act granting an increase of pension to Esther C. Kelly;  
 H. R. 15879. An act granting an increase of pension to Jacob Salat;  
 H. R. 16192. An act granting an increase of pension to Charles Reed;  
 H. R. 16221. An act granting an increase of pension to Job Clark;  
 H. R. 16261. An act granting an increase of pension to John P. Bare;  
 H. R. 16343. An act granting an increase of pension to Francis D. Matheny;  
 H. R. 16439. An act granting an increase of pension to Patrick Bogan;  
 H. R. 16607. An act granting an increase of pension to Mary Denny;  
 H. R. 16608. An act granting an increase of pension to Catharine McNamee;  
 H. R. 16687. An act granting an increase of pension to Jefferson G. Turner;  
 H. R. 16718. An act granting an increase of pension to James Miltimore;  
 H. R. 16834. An act granting an increase of pension to Allan S. Rose;  
 H. R. 16839. An act granting an increase of pension to Benjamin F. Johnson;  
 H. R. 16939. An act granting an increase of pension to Patterson Reese;  
 H. R. 17002. An act granting an increase of pension to Levi Deater;  
 H. R. 17091. An act granting an increase of pension to George Myers;  
 H. R. 17245. An act granting an increase of pension to Joseph Bateman;  
 H. R. 17307. An act granting an increase of pension to John A. Baker;  
 H. R. 17394. An act granting an increase of pension to Albert W. Boggs;  
 H. R. 17655. An act granting an increase of pension to Fritz Dittmann;  
 H. R. 18040. An act granting an increase of pension to Thomas Akin;  
 H. R. 18110. An act granting an increase of pension to Asail Brown;  
 H. R. 18396. An act granting an increase of pension to John Nix;  
 H. R. 18515. An act granting an increase of pension to Martin Johnson;  
 H. R. 18518. An act granting an increase of pension to William W. Wertman;  
 H. R. 18556. An act granting an increase of pension to William H. De Bruler;  
 H. R. 18571. An act granting an increase of pension to Ann O'Neil;  
 H. R. 18604. An act granting an increase of pension to Thomas M. Luman;  
 H. R. 18653. An act granting an increase of pension to Richard Limbird;  
 H. R. 18814. An act granting an increase of pension to Francis G. Knapp;  
 H. R. 18831. An act granting an increase of pension to James R. Wilson;  
 H. R. 18993. An act granting an increase of pension to James Shaw;  
 H. R. 19065. An act granting an increase of pension to William R. Rodenberger;  
 H. R. 19069. An act granting an increase of pension to Cornelius A. Willis;  
 H. R. 19106. An act granting an increase of pension to Margaret Epperson;  
 H. R. 19125. An act granting an increase of pension to Mary W. Humphreys;  
 H. R. 19291. An act granting an increase of pension to Charles Bachman;  
 H. R. 19421. An act granting an increase of pension to Ella A. Hodges;  
 H. R. 19580. An act granting an increase of pension to Jane Williamson;  
 H. R. 19594. An act granting an increase of pension to Hosea Hudson;  
 H. R. 19599. An act granting an increase of pension to William J. Large;  
 H. R. 19658. An act granting an increase of pension to Ary S. Bennett;  
 H. R. 19739. An act granting an increase of pension to Henry D. Miner;  
 H. R. 19794. An act granting an increase of pension to Henry C. Jewett;  
 H. R. 19937. An act granting an increase of pension to Mil-dred L. Allee;  
 H. R. 20003. An act granting an increase of pension to William Yahn;  
 H. R. 20004. An act granting an increase of pension to Isaiah Perkins;  
 H. R. 20057. An act granting an increase of pension to Cynthia Marsh;  
 H. R. 20062. An act granting an increase of pension to Philip Lape;  
 H. R. 20082. An act granting an increase of pension to William Van Alst;



H. R. 20155. An act granting an increase of pension to Frank L. Weiss, alias Louis Weiss;  
 H. R. 20170. An act granting an increase of pension to Mathias Mannes;  
 H. R. 20183. An act granting an increase of pension to Catherine Way;  
 H. R. 20217. An act granting an increase of pension to Ferdinand Kunkel;  
 H. R. 20270. An act granting an increase of pension to Michael Dunn;  
 H. R. 20299. An act granting an increase of pension to Lizzie E. Enright;  
 H. R. 20414. An act granting an increase of pension to Albert Launt;  
 H. R. 20588. An act granting an increase of pension to Nicholas S. Cantine;  
 H. R. 20590. An act granting an increase of pension to Hannah O. Reynolds;  
 H. R. 20622. An act granting an increase of pension to Samuel Shoener;  
 H. R. 20840. An act granting an increase of pension to Thomas M. Lord;  
 H. R. 20886. An act granting an increase of pension to William W. Bell;  
 H. R. 20890. An act granting an increase of pension to Lafayette Doughty;  
 H. R. 20952. An act granting an increase of pension to John W. Howe;  
 H. R. 20954. An act granting an increase of pension to Henry McDevitt;  
 H. R. 20956. An act granting an increase of pension to James Kenney;  
 H. R. 20959. An act granting an increase of pension to William G. Dickey;  
 H. R. 20961. An act granting an increase of pension to George F. Fogg;  
 H. R. 20963. An act granting an increase of pension to Rianzo M. Norton;  
 H. R. 20972. An act granting an increase of pension to George W. Rothrock;  
 H. R. 20999. An act granting an increase of pension to John H. Simmons;  
 H. R. 21040. An act granting an increase of pension to Ella C. Washburn;  
 H. R. 21052. An act granting an increase of pension to Edmund A. Locker;  
 H. R. 21055. An act granting an increase of pension to Archibald Bates;  
 H. R. 21073. An act granting an increase of pension to Michael Harman;  
 H. R. 21085. An act granting an increase of pension to Anthony Patterson;  
 H. R. 21131. An act granting an increase of pension to Cornelius Shea;  
 H. R. 21141. An act granting an increase of pension to George E. Castor, alias George E. Custer;  
 H. R. 21244. An act granting an increase of pension to Levi E. Eldred;  
 H. R. 21262. An act granting an increase of pension to Margaret Adams;  
 H. R. 21267. An act granting an increase of pension to Jerome B. Clark;  
 H. R. 21284. An act granting an increase of pension to William Earnest;  
 H. R. 21306. An act granting an increase of pension to James Pool;  
 H. R. 21336. An act granting an increase of pension to Hermann Hoffmeister;  
 H. R. 21337. An act granting an increase of pension to Henry J. Barrows;  
 H. R. 21342. An act granting an increase of pension to Charles A. Parker;  
 H. R. 21348. An act granting an increase of pension to William Seymour Alden;  
 H. R. 21430. An act granting an increase of pension to Alonzo Foster;  
 H. R. 21525. An act granting an increase of pension to John Short;  
 H. R. 21559. An act granting an increase of pension to William Ivers;  
 H. R. 21562. An act granting an increase of pension to Valentine Goebel;  
 H. R. 21608. An act granting an increase of pension to Louis Green;

H. R. 21659. An act granting an increase of pension to Rose Sevin;  
 H. R. 21711. An act granting an increase of pension to Thor Nelson;  
 H. R. 21734. An act granting an increase of pension to Stephen B. H. Shanks;  
 H. R. 21746. An act granting an increase of pension to William N. Carlisle;  
 H. R. 21784. An act granting an increase of pension to William Hall;  
 H. R. 23235. An act granting an increase of pension to James L. Barney;  
 H. R. 24358. An act granting an increase of pension to John R. Cauley;  
 H. R. 20352. An act granting a pension to Martha Stevens;  
 H. R. 21352. An act granting a pension to Hester A. Parrish;  
 H. R. 21038. An act granting a pension to Lucy A. Gaylord;  
 and  
 H. R. 21130. An act granting a pension to Margaret McNally.

## SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8316. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation in Idaho—to the Committee on Indian Affairs.

## ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Sunday, February 24, at 10 o'clock a. m.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Chairman of the Interstate Commerce Commission, transmitting a report of investigations of block-signal system and appliances for the automatic control of railway trains—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of The Trustees of the Cumberland Presbyterian Church, of Pulaski, Tenn., against The United States—to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 236) authorizing the Secretary of the Navy to furnish metal for a bell, reported the same with amendment, accompanied by a report (No. 8073); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 22678) to provide increased force and salaries in the United States Patent Office, reported the same with amendments, accompanied by a report (No. 8075); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 24539) to prohibit in the District of Columbia the intermarriage of whites with negroes or Mongolians, reported the same without amendment, accompanied by a report (No. 8072); which said bill and report were referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LAMAR: A bill (H. R. 25795) to authorize the Pensacola and North Eastern Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge

over the Escambia River, between the counties of Santa Rosa and Escambia, in the State of Florida—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 25796) authorizing the Secretary of the Interior to segregate, survey, and schedule towns in that part of the Choctaw and Chickasaw nations heretofore segregated as coal and asphalt lands, in accordance with act of Congress approved June 28, 1898, and to reappraise the town of Hartshorne, in the Indian Territory, and to provide the expenses incident thereto—to the Committee on Indian Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 25797) to authorize the purchase of a portrait of Henry Clay—to the Committee on the Library.

By Mr. CALDER (by request): A joint resolution (H. J. Res. 252) relating to the disappearance of our foreign trade balances—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Memorial of the legislature of Arizona, asking appropriation by Congress for conducting the Territorial legislative assembly of said Territory—to the Committee on the Territories.

Also, memorial of the legislative assembly of Arizona, asking for an appropriation for controlling the waters of the Gila River—to the Committee on the Public Lands.

Also, memorial of the legislature of Arizona, asking Congress to increase the per diem of the legislators of certain Territories—to the Committee on the Territories.

By Mr. BURKE of South Dakota: Memorial of the legislature of South Dakota, asking Congress to pass a law enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of South Dakota, asking Congress to open Tripp County, S. Dak., to homestead settlement—to the Committee on Indian Affairs.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 25798) granting a pension to Samuel Barbeau—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 25799) granting an increase of pension to Jacob L. Roseberry—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 25800) granting a pension to John Collins—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 25801) granting an honorable discharge to Seth Davis—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 25802) granting an increase of pension to Jeremiah Haley—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25803) granting an increase of pension to William R. Hicks—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 25804) granting an increase of pension to J. A. Houseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25805) granting an increase of pension to Edwin L. Carrington—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 25806) granting an increase of pension to George Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25807) granting an increase of pension to Orange S. Church—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 25808) granting relief to Charles Aholt and others—to the Committee on Claims.

By Mr. SCHNEEBELI: A bill (H. R. 25809) granting an increase of pension to George Seegfried—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 25810) granting an increase of pension to Alfred Booze—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Emergency Society of the Carolinas, for the Appalachian and White Mountain reserve bill—to the Committee on Agriculture.

Also, petition of the Hardwood Manufacturers' Association of the United States, for an appropriation for improvement of interior waterways—to the Committee on Rivers and Harbors.

Also, petition of the Real Money Association, of Shawnee County, Kans., against legislation tending to contraction of the currency—to the Committee on Banking and Currency.

Also, petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petitions of citizens of Randolph, Ind.; Mount Carmel, Pa.; Albert Lea, Minn.; Mercer, Ill.; Deuel, S. Dak.; Ben Hill, Ga.; Bradford, Pa., and Lee, Ill., against bill S. 5221, to regulate osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALE: Petition of Daniel Gallagher, against the House committee substitute for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Washington Stock Exchange, against bill S. 6906, for the incorporation of banks in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the First Methodist Church of Dalton, Pa., for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Gunster Brothers, for bill S. 6923, for better protection of packages sent through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DEEMER: Petitions of Eureka Legion, No. 241; West Branch Legion, No. 995; North Bend Legion, No. 944; Hughesville Legion, No. 1160, and Hayville Legion, No. 12, Order of the National Protective Legion, against House Document No. 608, to amend and codify the statutes relating to the classification of second-class matter and the rates of postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Paper to accompany bill for relief of Dr. James Carroll—to the Committee on Military Affairs.

By Mr. DUNWELL: Paper to accompany bill for relief of Dr. James Carroll—to the Committee on Military Affairs.

By Mr. ESCH: Paper to accompany bill for relief of Elicta E. Brooks—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of the California State Federation of Labor, against the position of the President relative to the Japanese in California—to the Committee on Foreign Affairs.

Also, petition of the Washington Stock Exchange, against bill S. 6906, for incorporation of banks in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Republican Club, for an investigation as to the condition of women and child laborers in the United States—to the Committee on Labor.

Also, petition of the National Institute of Arts and Letters, in favor of a liberal copyright law—to the Committee on Patents.

By Mr. FLOYD: Paper to accompany bill for relief of Green Mhoon (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. GOULDEN: Paper to accompany bill for relief of Dennis Reardon—to the Committee on Military Affairs.

By Mr. HUFF: Petition of the Washington Stock Exchange, against bill S. 6906, for incorporation of banks in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of E. W. Clark, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of James Carroll—to the Committee on Military Affairs.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of William A. Fretwell—to the Committee on Claims.

By Mr. MANN: Petition of the transportation committee of the Chicago Canal Association, against the reciprocal demurrage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MINOR: Petition of Sturgeon Bay Legion, No. 686, Order of the National Protective Legion, against bill to amend and codify the statutes relating to second-class mail matter (House Document No. 608)—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of Headquarters of the Union Veterans' Union, for bill H. R. 24544 (volunteer officers of the civil war on the retired list)—to the Committee on Military Affairs.

By Mr. OVERSTREET: Paper to accompany bill for relief of Dr. James Carroll—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Hagerstown (Md.) Typographical Union, favoring bills S. 6330 and H. R. 19853, the copyright law; with amended clause requiring legal affirmation as to compliance with the law—to the Committee on Patents.

By Mr. PRINCE: Petition of the Evening Mail, of Galesburg, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Woman's Christian



Temperance Union of Altoona, Pa., for bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of the Washington Stock Exchange, against bill S. 6906, for incorporation of banks in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Dr. Hertzog Lodge, No. 14, J. O. S. of Jacob, approving action of the House in the rejection of the proposed literary test for admission of immigrants, etc.—to the Committee on Immigration and Naturalization.

By Mr. WOOD: Paper to accompany bill for relief of Alfred Booze—to the Committee on Invalid Pensions.

## HOUSE OF REPRESENTATIVES.

SUNDAY, February 24, 1907.

The House met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Let not your heart be troubled: ye believe in God, believe also in me.

In my Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you.

For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, an house not made with hands, eternal in the heavens.

For in this we groan, earnestly desiring to be clothed upon with our house which is from heaven:

If so be that being clothed we shall not be found naked.

For we that are in this tabernacle do groan, being burdened: not for that we would be unclothed, but clothed upon, that mortality might be swallowed up of life.

Now he that hath wrought us for the selfsame thing is God, who also hath given unto us the earnest of the Spirit.

For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come,

Nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord.

Eternal God, our heavenly Father, whose heart goes out in approbation and love to those who seek to do Thy will and thus add to the sum of human happiness and departing leave the world a little better than they have lived and wrought.

We thank Thee for the men whose characters and deeds we are here to memorialize, men whose gifts and talents fitted them in an eminent degree for the onerous duties laid upon them by their fellow-citizens. Let Thy blessing, we beseech Thee, be upon this service, that those who shall record their tribute of love and respect may inspire those who shall come after them to faithful service.

We thank Thee for the hope of immortality which lifts us in our better moments to larger life and nobler deeds and which bids us look forward to a brighter world beyond the confines of earth. Let Thine everlasting arms be about those who mourn the loss of their dear ones, and in Thine own good time bring them to dwell together in one of the many mansions prepared for those who love the Lord, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

### RECESS.

Mr. BISHOP. Mr. Speaker, I move that the House take a recess until 10.30 a. m.

The SPEAKER pro tempore (Mr. DENBY). The question is on the motion of the gentleman from Michigan.

The question was taken, and the motion was agreed to.

The recess having expired, the Speaker pro tempore [Mr. BISHOP] called the House to order.

### EULOGIES ON THE LATE SENATOR ALGER.

Mr. DENBY. Mr. Speaker, I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. RUSSELL A. ALGER, late a Senator from the State of Michigan.

*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were agreed to.

Mr. DENBY. Mr. Speaker, I ask unanimous consent that leave to print upon the subject of the day's exercises be extended to all Members of the House for a period of ten days.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

Mr. DENBY. Mr. Speaker, the truest tribute to the departed is the silent requiem that chants in the hearts of a great people when death comes to a loved and honored leader. We who remain may vie with one another in the superlatives of praise, we may exhaust the language of eulogy—we do not add one jot or tittle to the fair fame of the illustrious dead. As it is beyond our power to take from him any part of that respect and love that have been his reward in life, so it is idle to suppose that we can control the hand of history and by our feeble efforts make him nobler, better, greater than he was. He, the dead, whom we vainly strive to exalt, gains nothing by our praise. His place is secure, and the story of his life becomes a cherished possession—his legacy to the living.

We have gathered here to-day to pay this public honor to our lamented Senator, RUSSELL A. ALGER. But the great heart of Michigan has rendered to him in death an honor so perfect that no eulogy spoken here can add to its simple dignity. What tribute can there be so earnest and so pure as the bowed heads and the bitter tears of a mourning populace?

Michigan, which so greatly honored him in life, received him home as a sorrowing mother receives the body of her son. Upon a day of bitter cold the train arrived. Snow covered the streets of Detroit. It was Sunday morning, and, free from the engagements of their week-day toil, the citizens of the Senator's home chose to spend their holiday standing in the rigors of the open air to pay their sad tribute. The beautiful city opened wide her tender arms and took him to her heart again. The scene suggested another great occasion, when, having left the Cabinet of President McKinley, the affectionate sympathy of Detroit went out to him and she made him welcome home. Then flags and music and mighty cheers showed their loyalty and devotion; but when last he returned the concourse that filled all the thoroughfares stood silent and stricken as he passed them by. As one was the generous outburst of sympathy and honor, that all the world might know how true to the living statesman beat the heart of Michigan when causeless slight was put upon him, so the other was the reverent expression of her grief when he came home to stay forever. And upon the next day, when the last honors were paid and the bugles sounded taps over the soldier's grave, again in the winter weather the people of Michigan came out to say farewell. The streets were crowded, the cemetery thronged with a silent multitude. All classes, all ages, all conditions, one purpose—to honor General ALGER, representative and friend to all, benefactor to many. Delicate women, busy men, veterans of the great war, worn and feeble that their country might be safe and strong, the sires of '61 and the sons of '98, all standing bareheaded in the snow when the General came home.

Ah, sir, there was tribute, there was eulogy, such as few receive. What inspiration to the living in this high honor to the dead! And these scenes, Mr. Speaker, but lately I was witness of. With the thought of this living, throbbing eulogy so freshly present in my mind, Mr. Speaker, do you think I can try to-day to eulogize Michigan's loved Senator? But there is no study more inspiring than that of the nation's patriots, who in many walks of life have illustrated the energy, adaptability, and capacity that have always marked the men of America; there is no duty more grateful than that of paying loving respect to their memory. That study and that duty are ours to-day.

General ALGER was a typical product of his day and nation. It is the glory of our country that this is so. Many other of his contemporaries raised themselves by their unaided efforts, as he did, from poverty to affluence, from obscurity to fame. Many other men fought gallantly at his side in the great struggle of 1861—the new birth of freedom upon this continent. It is well with a nation when this is so. I take nothing from his fame when I say he came into being in a generation when the great emergency raised up many great men to meet it; great fighters like himself, great statesmen, great patriots. It is said that every emergency breeds its master, as the Revolution bred Washington; as the civil war, Lincoln; the military exigency, Grant, when it seemed that Grant, and only Grant, could wear out the gallant forces of the South. But it seems to me that, be the emergency great enough, it will breed, in this country at least, not one man, but a nation of men of giant mold, men fit to cope with anything, men of one idea, if you like, men at least with but one fear, and that of dishonor.

The civil-war epoch was the heroic period of our national life. Men grew to their full stature then. So terrible a strug-